THE KELLY FLINN AFFAIR
A.J. BACEVICH
TUCKER CARLSON

the weekly Standard

JUNE 9, 1997 $2.95

THE CLUELESS GOP

WILLIAM KRISTOL
Clintonized Republicans

DAVID FRUM
Confused Conservatives

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the weekly Standard

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2 SCRAPBOOK
Revenge, Lott-style; 3.5 gallons or fight!; and more.

4 CASUAL
Matthew Rees invests in a new hobby.

6 CORRESPONDENCE

9 EDITORIAL
There Oughta Be a Law

11 WHAT PAULA JONES WANTS
Clinton's accuser may get her day in court. *by* **Fred Barnes**

12 FINALLY, A GOOD FIGHT
Will Minnesotans have school choice? *by* **Major Garrett**

14 ELEPHANTINE PROPAGANDA
The Humane Society does Africa. *by* **Ike C. Sugg**

40 PARODY

Cover by Kevin Chadwick

18 CLINTONIZED REPUBLICANS
Trent Lott feels Kelly Flinn's pain. *by* **William Kristol**

20 CONFUSED CONSERVATIVES
Worldwide, the Right can't figure out a winning strategy. *by* **David Frum**

24 THE DE-MORALIZED MILITARY
Why the Kelly Flinn story matters. *by* **A.J. Bacevich**

27 THE MAKING OF A FEMINIST HERO
Aviatrix, adulteress, prevaricator—and now, martyr. *by* **Tucker Carlson**

Books & Arts

31 HUGHES YOU CAN USE An art critic's American visions. *by* **David Gelernter**

34 THE AMBIGUITIES OF AUSTEN Why did the novelist of happy endings die alone? *by* **Katie Roiphe**

36 'NICE,' 'REAL,' REVOLTING Everything's coming up Rosie. *by* **Matt Labash**

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Lott to Weyrich: Take a Hike

Conservative leader Paul Weyrich has walked with a cane since breaking his back in an accident over a year ago. As a courtesy to Weyrich, the Senate sergeant-at-arms granted him the same privilege that is routinely accorded to members of Congress, dignitaries, and the disabled. Rather than having to get out of their car at the security barrier at the Capitol and walk a few hundred feet to the entrance, they can drive to the door nearest to their meeting.

Weyrich's office called last Wednesday to routinely clear Weyrich's car and driver through for a meeting with a senator the next day. But Weyrich's office was told that the Senate majority leader's office had ordered his privilege revoked. So to keep his appointment on Thursday, Weyrich had to make his way with difficulty from the security perimeter to the Capitol Building.

In recent weeks, Weyrich has been a severe critic of the Republican congressional leadership, and of Trent Lott in particular. The majority leader doesn't like criticism and apparently wanted to show Weyrich that there would be a price to pay for his outspokenness. It seems Lott found a remarkably petty way to make the point.

What next? Will Weyrich file suit under the Americans with Disabilities Act?

Stay tuned.

The Culture of Clintonism

Robert Reich learned at least one thing from Bill Clinton: a total disregard for the truth. His newly published account of his time in the Clinton administration, *Locked in the Cabinet*, is now being picked apart for its dishonesty and inaccuracy.

First, former AFL-CIO chief Lane Kirkland wrote a devastating letter, published in the *Forward*, showing how Reich distorted the truth when describing their meetings. Then a member of the National Association of Manufacturers, John S. Irving, began distributing a large dossier describing how Reich dishonestly portrayed a meeting with that organization. Reich described it as an angry confrontation between a brave little labor secretary (himself) and a growling, cigar-smoking, all-male enclave of capitalists. In reality, there was no cigar smoking. The gathering was two-thirds men and one-third women. There were no hisses or screams, as Reich alleges in his book. A transcript of the session shows a respectful exchange. This and other discrepancies are detailed in a superb article by Jonathan Rauch in *Slate* magazine.

One of Rauch's most devastating revelations concerns a hearing before the Joint Economic Committee. Reich describes a furious outburst by Republican chairman Jim Saxton. Rauch got the C-SPAN tape of the hearing and reports that Saxton's alleged outburst never occurred. Reich apparently made it up for dramatic effect. What's amazing is how Reich made up stories that were so easily checkable. Our own 30-second Nexis search found that a *Nightline* episode described by Reich as a neat little morality play between himself and a corporate downsizer was in reality not as neat as in Reich's telling. He wasn't as smart as the transcript in his book suggests, and Ted Koppel and the executive weren't as crude.

Somehow, we're not surprised.

Whither Liberalism?

If you've bought a new home since 1993, you know all about the modern toilets mandated by the last Democratic Congress in the Energy Policy Act of 1992. They don't work very well, do they? You're only allowed to have a 1.6-gallon tank, down from the old 3.5-gallon standard. Most of the new ones don't always get everything down on a single flush. The really fancy kind, with super high pressure, make a noise like a jet plane and have an annoying tendency to spray refuse up as much as wash it out. So valiant House Republican Joe Knollenberg of Michigan has

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introduced legislation to nullify this idiotic requirement and return America to its golden plumbing age: 3.5 gallons or fight!

It turns out the war must be waged internationally. Not wanting to miss a single opportunity to copy his Democratic-party gurus in the States, Britain's new prime minister, Tony Blair, has sworn allegiance to toilet reform. In a campaign document issued last November, "Ending the Waste," the Labour party blasted John Major's Tories for failing to promote the latest technology in flush toilets. England must be "leading the world" in water use. Failure to adopt European Union standards for water use is simply "not good enough."

And what are those EU standards? Well, you gotta have a 1.6-gallon maximum tank capacity. And sawdust dropped in a damp bowl must not stick to more than 5,000 square millimeters. And a ball of 12 sheets of toilet paper has to go down four times out of five. And a clump of resin with the same approximate density as, well, you know, also has to go down four times out of five.

We're not making this up, alas.

The King of Schmooze

Larry King's *USA Today* column is, as the many aficionados who read it know, always a treat. But on Tuesday, May 27, he outdid himself. He devoted his entire "News and Views" to his visit with fiancée Shawn to Ted Turner's ranch in northern New Mexico. Larry flew there in Ted's private plane, rode a horse, went fishing, hiked, and engaged in lively and witty repartee with Ted and Jane (one highlight from Jane: "It's not much, but we call it home"). Incidentally, Larry tells us "Jane goes by Mrs. Turner in private life," whatever that means. Larry recounts Ted's speech to the ranch hands, who thankfully "were reassured by his earthy approach." Indeed, Larry tells us that Ted stopped on the road to remove a snake so it wouldn't get run over. What a guy.

Sorry

Apologies to Lisa Schiffren, whose review last week of playwright Wendy Wasserstein's *An American Daughter* had its concluding line amputated by a technical glitch at the printer (yes, it really does happen that way sometimes). Here is the last paragraph, as it should have appeared:

"And now, the voters are rejecting all the good they want to do. Twenty years into what will undoubtedly be a chronicle of their lives from college to death, Wendy Wasserstein's uncommon women are uncommonly unhappy, their lives a mockery of all that early promise."

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Casual

The Feeling Is Mutual

Like millions of Americans, I've succumbed to the allure of a wild bull market and plunged into mutual funds over the past 18 months. It wasn't so long ago that I had no idea what a "mutual fund" was and found myself confounded by their promises to make me money. Now, I am familiar with arcana like the importance of a fund's net asset value ("NAV" to those in the know). I've learned that while the fund's "load" matters, more important in the long run are its annual expenses and its capital-gains tax liability. Having once been a religious reader of *Sports Illustrated*, I'm now addicted to finance-oriented publications like *SmartMoney* and *Morningstar Investor*.

What has all of this got me? At times, peace of mind. Reading about funds and fund managers whose sole mission is maximizing investment returns can be a welcome break from days mired in Washington's petty political disputes. And thankfully, ideology seems to be all but absent from the fund world—though there's an obvious undercurrent of conservatism. Everyone involved seems to want a capital-gains tax cut, Philip Morris is a recommended investment, and meritocracy reigns supreme. The only trace of liberalism I've discovered is a few "socially responsible" mutual funds that pledge not to invest in companies that are not "good corporate citizens." Seeing as how liberalism is in retreat generally, it shouldn't surprise that even during this sustained bull market these funds have generated meager returns.

Yet there are parallels between the fund world and the political world. As best I can tell, mutual funds tend to be managed by egocentric, publicity-hungry, money-grubbing white guys. And just like their brethren in politics, fund managers tend to splash their own faces across mutual-fund ads and to give their funds names weighty with purpose. Politicians have their solemnly labeled blue-ribbon commissions, fund managers their funds christened American Century Income Growth, Heartland Value, Pegasus Income, Strong Opportunity, Victory Growth, and my personal favorite, Rembrandt Value Trust.

Somehow I've resisted these funds, though maybe investing in them wouldn't have been such a bad idea. Because even after conducting what I felt to be an enormous amount of research on the "best" funds for my portfolio and trying to stick with established companies like Vanguard and T. Rowe Price, I've still suffered. Last October, I invested in a turbo fund called PBHG Growth. Its returns were among the very highest in its category, and though its volatility rating was high, I figured I was in for the long haul and could manage the ups and downs.

In January, I received a statement informing me my initial investment had declined in value. I called the PBHGers to inform them this must be a mistake. "You bought the fund at its peak," was the soothing reply. And now it's worth even less, having dropped 10 percent just this year. That's earned it a spot on the *New York Times*'s dreaded "Laggards" list. I've also been informed that the management of one of my other funds has been turned over to PBHG. As a result, I've stopped checking these funds' returns each morning. It's an awful way to start the day.

Nonetheless, I can tell this is a hobby I'm going to have for a while. How many other spare-time activities involve making money (or losing it) with so little effort? The importance of diversifying one's portfolio means there's almost no end to the different kinds of fund one can justify investing in. Out of fealty to Michael Milken I recently dropped some money into a junk-bond fund (yes, these supposedly evil tools are still around, and they're thriving). If the U.S. market shows signs of producing more PBHG Growth-like returns, I will look for international funds.

At some point, I'll have to try my hand at trading commodities. While these can be extremely volatile, when Hillary Clinton was asked how she turned her $1,000 commodities investment into $100,000 almost overnight, she cited her reading of the *Wall Street Journal*. I read the *Journal*, and I even used to work there. No, I'm not married to the governor of a small southern state, and, no, I don't have any friends with names like "Red Bone." But that shouldn't affect my returns, should it?

One of my fondest childhood memories is of opening the *San Francisco Chronicle* each morning and immediately turning to the sports section. I would scrutinize the box scores and get either a great thrill or a huge disappointment, depending on the performance of demigods like George Brett and Larry Bird. These days, I read papers that have no sports section or not much of one, and the statistics that provide my morning's thrills—or disappointments—are not RBIs and rebounds but something decidedly less youthful: mutual-fund returns.

Matthew Rees

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Unwilling to Inherit the Wind

I for one, am converted by Irwin Stelzer's "Inherit Only the Wind" (May 26). In fact, his persuasive logic demands not only that we conservatives support "a Draconian inheritance tax," but that we go a step farther: We should impose pre-death inheritance taxes. We must tax our children's inheritances before we leave them the money. We'll all be better off if we confiscate previously taxed income before it benefits an undeserving generation and corrupts it. Let's tax that money again and again, two or three times.

But what should we do about children who benefit from their parents' earnings before those parents have kicked the bucket? After all, many greedy rich people are known to evade inheritance taxes by spending money to benefit their children while they, the parents, are still alive! What have the little tykes done to earn these riches? Nothing! They have not done one thing more than children who are doubly cursed by losing both parents and then having to pay inheritance taxes. Yet at this very moment, the children of the living rich are cheating our tax system and getting away with it, riding around in their parents' cars, living in their parents' homes—and paying no taxes on this unearned income. What a loophole! Why give those children a free ride, just because their parents are not pushing up flowers?

Alex Castellanos
Alexandria, VA

So Irwin Stelzer says it's okay for children to receive expensive education and annual $10,000 gifts from living parents, but orphans are twice damned—no parents and no means of support. Parental lifespans differ significantly, with wealthier parents often living longer. As a recipe for equal opportunity, this gets an "F".

Nevertheless, Stelzer has identified one glaring tax distortion: Capital-gains taxes can be completely avoided by holding assets until death. The inheritance tax is the IRS's feeble attempt to remedy this ludicrous situation.

Rather than raise inheritance taxes, which bear no relation to the deceased's tax-free assets, why not collect capital-gains taxes at death and eliminate inheritance taxes entirely? The budget would be unchanged, since the CBO estimates that the gains from the first ($15 billion annually) would just about equal the loss from the second. Even better, index capital gains for inflation at the same time. These changes would allow tax-neutral decisions on sales of houses and stocks. With equal taxation of capital gains, conservatives would be perfectly consistent in opposing affirmative action and inheritance taxes, since both are examples of massive government intervention. Only in Communist utopias does equality of opportunity imply identical circumstances. It is our system of property rights that has fueled the engine of capitalism, and individuals should be free to dispose of assets as they choose, whether it be to churches, charities, or children.

Diana Furchtgott-Roth
Washington, DC

Like most thought experiments gone awry, Irwin Stelzer's case for estate taxes begins with a faulty premise. He notes that if you work hard and earn an income of $1.2 million, you must pay $500,000 in income taxes. But if you simply inherit $1.2 million, you pay nothing under the plan now being advanced in Congress. This is true. But he ignores the fact that for someone to inherit $1.2 million, some benefactor had to earn $2.2 million and pay $1 million in income taxes in order to leave the estate.

One of the key principles of good tax policy is that income should be taxed once and only once. The inheritance tax says that the producer of wealth must pay an income tax and then may be taxed a second time. Of course, purity with regard to principle is not a cornerstone of current American tax policy. So there are two key premises on which to rest a conservative case for substituting estate taxes for income taxes. One is socio-political; one is economic.

The socio-political case is that big inheritances tend to make the heirs big-spending liberals. After all, every hard-working, red-blooded American of any philosophical predisposition moves several degrees toward the political right upon receipt of his or her first paycheck and firsthand exposure to the difference between "gross" and "net." Blue-blooded inheritors never have this experience and are therefore more predisposed to the government spending other people's money. I suppose it follows logically that confiscatory inheritance taxes will mean fewer big-spending liberals. Perhaps.

The economic case is similar. Wealth makes people lazy. More formally, the elasticity of labor supply with respect to wealth is negative. Why work when you don't have to? One could make the case that the conservative virtue of work is therefore aided by the presence of inheritance taxes.

The concept of hitting wealth hard by confiscating inheritances and then using the revenue to reduce income-tax rates is a twofer from this maximizing perspective. While greater wealth makes you lazy, higher hourly take-home pay tends to make you want to work more. So, taking away wealth to raise take-home pay is a double producer of incentives to work.

But if we walk down this road of economic thought experiments, why stop with confiscatory inheritance taxes? Why not confiscate all wealth? If the government could assume the $20 trillion of household wealth in the country, it could pay off the national debt and, with a little good investing and some prudence with regard to spending, eliminate all taxes and run a balanced budget forevermore. Gee, wouldn't that be great? And think how hard we'd all have to work now that we're suddenly impoverished. Without a doubt, economic growth would take off.

History does show some examples of this. Post war Germany and Japan saw nearly total wealth confiscation, stunning increases in labor-force participation and effort, and high levels of economic growth. So, what's wrong with doing it just a bit, the way Stelzer suggests? A close look at the details shows that, from an economic point of view, confiscatory inheritance taxes are even worse than simply confiscating all wealth.

The first natural problem with democratic wealth confiscation by legislation, as opposed to its destruction by conquest and wartime, is that the public tends to think that if the government did it once, they'll do it again. Turn a one-time economically efficient wealth confiscation into a fear that it could happen tomorrow, and you have all the disincentives of a capital income tax: no incentive to save, build a business, or take risks. A confiscatory inheritance tax guarantees this effect, because death and taxes become equally certain events—and happen again and again and again.

A second problem is the random nature of the inheritance tax. You don't know when the government is going to take it all away, and consequently planning becomes rather difficult. Stelzer sees part of this problem and leaves spousal inheritances intact. But what of orphans? Should a hard-working couple who die at 40 in an airplane crash leave their three young children destitute? More loopholes aren't the answer. Death is rarely convenient. Every partnership in the country, be it of familial or business nature, would

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have to live with the prospect of a financial assault from Uncle Sam just as it is reeling from the loss of the decedent's human contribution.

A third point making inheritance taxes even worse than one-time wealth confiscation has to do with the time-horizon of decisionmaking. Multigenerational efforts are important for economic development. Much of our industrial structure (autos and chemicals are two examples) was developed by dynasties. Real-estate development and preservation, from farm land to Rockefeller Center, requires a time-horizon that spans generations.

Three generations of big government have anesthetized us to the critical visionary and developmental role of families and left us with the perception that only government can accomplish long-term tasks. As conservatives, we should find this a repugnant state of affairs. As citizens, we should be nervous about leaving all long-term planning in the hands of either state or corporate bureaucracies.

So, if you care about promoting saving, wealth creation, risk-taking, sound business planning and promoting long-term time-horizons, a confiscatory inheritance tax really is a terrible idea.

Stelzer correctly notes that human capital, genetic potential, and all of the nonfinancial advantages that parents are allowed to impart to their offspring are untaxed. He cites studies, which all seem quite sensible, that these things are much more important than mere money when it comes to producing successful children. Those of us with the right educational pedigrees or profitable genetic endowment can enrich our children tax-free. But some high school grad who starts a mail-order business in his garage, or builds a fleet of taxi medallions, loses half of it to the state. The same goes for star athletes who trade on their brawn or movie stars who trade on their beauty. Why should the advantages of parents with Ivy League connections escape relatively untaxed?

We are in the process of saying farewell to an era in which financial wealth dominates society's stored riches. Gone is the age when the inheritance of real property mattered much. Knowledge, acculturation, and genetic endowments that make one a "professional" are, on average, the best way to be among the best off in today's society.

Those who are particularly well endowed with this kind of wealth hold a disproportionate amount of control over public policy. If we were honest about it, we could all advocate high or confiscatory inheritance taxes on financial wealth out of pure class interest. I suppose that Stelzer's arguing that confiscatory taxes on financial wealth won't matter much because the really important kinds of intergenerational transfers won't be touched is simply a candid expression of this class interest. But when deputy treasury secretary Lawrence Summers says that those who call for low taxation of financial wealth are motivated by "greed," the fine line between class interest and class arrogance has been crossed. True fairness, as well as economic efficiency, commends lower, not higher, inheritance taxes.

LAWRENCE LINDSEY
WASHINGTON, DC

IRWIN STELZER RESPONDS: ***Hell hath no fury like a conservative challenged, especially if that conservative is a colleague, eager to distance himself from a thought experiment. I am variously accused of wanting to "confiscate all wealth" (Lindsey, an AEI colleague), bring about the starvation of orphans (Castellanos), and convert our great nation into a "Communist utopia" (Furchtgott-Roth, another AEI colleague). All because I suggested that there might be an inconsistency between opposing the more-equal opportunity supposedly created by affirmative-action programs while at the same time favoring a reduction in taxes on the financial inheritances that by their very nature make opportunity less equal.***

Let me start with Castellanos's wry response. I nowhere argued, because I do not believe, that inherited wealth "corrupts" its recipients; as Lindsey correctly summarizes my view, "the elasticity of supply of labor with respect to wealth is negative." In non-jargon, a rational person with inherited wealth is less likely to tumble out of bed on a cold morning to get to his job than is someone living from paycheck to paycheck. So tax away the inheritance and you increase the labor supply from slug-a-beds; use the proceeds to lower marginal tax rates, and you again increase the supply of labor by making work more profitable, providing what Lindsey accurately describes as "a twofer . . . a double producer of incentives to work." Castellanos offers in response pictures of tykes and orphans. 'Nuff said.

Nothing in my article takes the next step of suggesting that we confiscate all wealth, a non-proposal that Lindsey then spends considerable time attacking, with considerable force. Since I see no connection between such confiscation and anything I suggested we might want to think about, I leave him to wrestle with that particular nightmare.

Lindsey also worries that by eliminating "dynasties" we will leave ourselves with only government or "permanent corporate bureaucracies" as instruments of long-term economic development. I share his antipathy to assigning such a role to government. But does he really believe that, absent family dynasties, we will be left at the mercy of either government or America's corpocracy? Surely, Mike Milken's gift to America is the restructuring of capital markets to make possible challenges to corporate bureaucrats who wildly underperform shareholder expectations. Surely, too, our economy is sufficiently fluid not to have to rely solely on "dynasties" to develop and introduce new technologies and products that existing corporate organizations shun.

Furchtgott-Roth somehow found in my article an attack on property rights, on individuals' freedom "to dispose of assets as they choose." But we have never permitted individuals to dispose of assets as they choose—for example, to convert their vacant lots into waste dumps. The hard question is which restrictions are reasonable and which are not.

Which brings me to the final and most interesting point in the correspondence. Lindsey says that real property matters less, and knowledge and genetic endowments more and more, in deciding who gets ahead in this world. I am prepared to take his word for it, especially since Charles Murray says his own analysis of a large body of data leads him to a similar conclusion. By taxing financial wealth, we of the "professional" class serve our own interests by diminishing competition from the financial-inheritor class. But, so what? We would have set the stage for competition based on the varying intrinsic merits of each competitor; the race might go to the swift, or the wisest, or the brightest, or the hardest working. It would not automatically go to those who had the best-heeled and most generous parents.

Lindsey's economic objections are aimed largely at a proposal I haven't made; Furchtgott-Roth's proposals for tax reforms sound quite sensible, but for reasons separate from those that might support higher inheritance taxes. All I have suggested is that it might—only might—be the case that there are real economic benefits to taxing inheritances more severely and income from work less severely. And that those benefits should be compared with the social costs of such a policy. A modest proposal, one about which I am sure I shall hear more in the ecumenical corridors of AEI.

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There Oughta Be a Law

Leroy Hendricks is now 62 years old. Sitting in his car one day when he was 20, in 1955, he exposed himself to two small girls. In 1957, he was convicted for playing strip poker with a 14-year-old girl. In 1960, Hendricks was sentenced to a three-year prison term for molesting two boys, ages 7 and 8. Released in 1963, he was immediately reconvicted on charges of molesting a 7-year-old girl whose family he had befriended for that purpose. Hendricks was then committed under Kansas's "sexual psychopath" statute, since repealed. Discharged in 1965, he was soon sentenced to prison for molesting an 8-year-old girl and an 11-year-old boy. He got out in 1972. From 1973 through 1978, he sexually assaulted his pre-teen stepson and stepdaughter on a weekly basis. In 1983, Hendricks was convicted for molesting two 13-year-old boys.

Leroy Hendricks is a truly bad man, and he freely admits it. He is an out-of-control pedophile, he says. He says that treatment is "bulls—" and that the only way he can guarantee he won't molest again "is to die." His lawyer concedes that "Leroy has a sexual preference for children," one that "certainly" poses a risk to public safety.

But Hendricks has already served every day of his scheduled time under every criminal sentence ever imposed on him. And he does not fit any of the "mental illness" diagnoses required for preventive detention under Kansas's standard insanity and civil-commitment laws.

So his lawyer says he must be released. Is the house next-door to yours for sale?

Men like Leroy Hendricks are time bombs that confront all 50 states. The most obvious response in recent years, now endorsed by the federal government, is "Megan's Law," named after 7-year-old Megan Kanka of Hamilton Township, New Jersey, who was raped and murdered in 1994. Her killer was a convicted pedophile who lived across the street. To provide better monitoring of such men, the Megan's Law model requires released "low-risk" sex offenders to register with local law-enforcement offices. Higher-risk offenders are supposed to trigger notifications to area schools, day care centers, summer camps, and the like. And the very highest-risk offenders are supposed to be called to the attention of *anyone* who might come in contact with them on a daily basis.

These laws are popular. People want to know, parents especially, and who can blame them for it? But while the police-registry provisions of Megan's Law have been consistently upheld in state and federal court, the public-notification provisions are being challenged as a possibly unconstitutional "double-jeopardy" punishment. And however this constitutional question is ultimately decided, the fact remains that Megan's Law hasn't worked out quite the way it was intended.

There are administrative problems. The *Los Angeles Times* reported in January that California is unable to account for 20 percent of its nearly 68,000 Megan-class rapists, molesters, and other sex offenders, and the state has no foolproof means of tracking the rest. Those men who *are* identified by public-notification systems around the country often face a local reaction the ferocity of which, though perfectly understandable, keeps them permanently on the move—and thus even harder for police departments to find. The new law "was not supposed to create a peripatetic group of pedophiles," the Kanka family's lawyer points out. But that's what it seems to be doing.

How else might we legally protect our children from these monsters on the loose, then? A few eccentrics argue that we really needn't bother. Law professor Frank Zimring of Berkeley, for example, says that fear of lurking, invisible pedophiles is almost purely a product of "folk belief." Only about 14 percent of prisoners sentenced in state courts for sexual assault on a child were total strangers to their victims, after all. And recidivism rates for child molestation, he suggests, are actually lower than those for most other serious crimes.

Recidivism rates for crimes of pedophilia are

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notoriously squishy, though, and you can cut the numbers a different way. A way that is impressively horrible. According to the Department of Justice, two-thirds of all state prisoners serving time in 1991 for rape or sexual assault had raped or sexually assaulted a minor. About 25,000 of them had raped or sexually assaulted someone under the age of 12. And a significant minority of them had probably done it repeatedly. A study funded a few years ago by the National Institute of Mental Health found that each of 453 pedophiles had abused an average of 52 girls or 150 boys. These are not the disturbed, sex-abusing middle-class dads of television docudrama. They are disturbed *serial* molesters; we're talking forcible sodomy here. And when their criminal sentences are through, almost all of them are eligible for release into your neighborhood.

So what if there "aren't very many" of these repellent creatures? Someone's got to figure out a legal and effective way to keep them off the street. A handful of states, beginning with Washington in 1990, believe they have done just that. They have enacted add-on civil-commitment statutes that provide for the indefinite detention and treatment of "sexually violent predators" in state mental institutions—even though the targeted predators do not suffer the kind of "mental illness" that would otherwise subject them to involuntary, non-criminal restraint. Under these new laws, if a man has a "personality disorder" or "mental abnormality" that inclines him to acts of sexual violence, if he has already committed at least one such crime, and if—after elaborate hearings and observation—he is adjudged a likely threat to public safety, he can be put away. Until it can be established that the threat no longer exists.

Kansas passed a law like this in 1994. Kansas has since used its law to keep nine men in Larned State Hospital. Leroy Hendricks is one of them. On December 10 last year, *Kansas* v. *Hendricks* was argued before the Supreme Court.

Legally and politically, it is a complicated and fascinating case. Hendricks argues that the purpose of the law is punitive and that it therefore violates the Constitution's due-process, double-jeopardy, and ex post facto clauses. Old crimes whose penalties he has already paid, Hendricks says, are the rationale for his continued detention against the mere *chance* of crimes he hasn't yet committed. Hendricks is joined in this cause, as you might expect, by the American Civil Liberties Union. And, rather weirdly, by the American Psychiatric Association. APA is worried that people with regular mental illnesses—depression, for example—will get "lumped in" with pedophiles in the public mind. Only treatable mental illness is an acceptable ground for civil commitment, APA insists. Pedophilia isn't treatable; Leroy Hendricks will most likely never be cured. So he must be released. Keeping a violent child molester behind the fence, APA's Supreme Court brief announces, would "threaten our most basic traditions of liberty."

Kansas—and, interestingly enough, the Menninger Foundation of Topeka, which runs one of the world's oldest and most respected psychiatric institutions—make a simpler and better argument. Civil commitment of people like Leroy Hendricks is well within American legal and medical tradition. It is actually *less* harsh than the safety measure APA appears to recommend: lengthier, mandatory prison terms for sex-crime convictions. And it preserves for citizens the authority to determine whom they may protect themselves from in administrative and criminal proceedings. The alternative, APA's preferred method, elevates the psychiatric profession's Diagnostic and Statistical Manual to the level of constitutional principle.

The Supreme Court will issue its decision in this case on one of the next few Mondays. It's hard to tell exactly where the justices will wind up; during December's oral arguments they seemed equally vexed by Leroy Hendricks *and* the Kansas Sexually Violent Predator Act of 1994. But it's easy to predict what will shortly happen in the real world, one way or the other. If the Supreme Court strikes down this Kansas statute, Leroy Hendricks and other men like him across the country will walk. State after state will then have no responsible choice but to do what Arizona has recently done: establish life sentences for any future crime involving sexual contact with a minor. If the Supreme Court upholds Kansas, by contrast, Leroy Hendricks and other men like him will not walk. They may never walk.

They probably never should. Deep thinkers who fancy themselves immune to instinctive emotional impulses about political questions do not care for pedophilia as an issue. They see unreason and hysteria behind Megan's Law and suchlike reactions to high-profile child murders. Columnist Richard Cohen points out that "we do not ask to be told that a drunk might be driving through the streets of our neighborhood." His fellow columnist Edwin Yoder compares the Kansas civil-commitment statute to the "abuse of psychiatry in the Soviet Union . . . when commissars confined socially or politically recalcitrant persons to 'asylums' on flimsy grounds." Come off it, fellas. Leroy Hendricks isn't a drunk driver. And he sure enough isn't a refusenik. He's an evil, dangerous man. Keep him locked up.

—David Tell, for the Editors

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What Paula Jones Wants

by Fred Barnes

Let's be straight about the whack the Supreme Court took at President Clinton in the Paula Jones case. It was a big one. Normally the court has a bias in favor of executive power. At least some justices are willing to side with the White House in almost every circumstance. President Truman got three justices to go along in 1952 with his bid to nationalize the steel industry. President Nixon got three in his unsuccessful effort to block publication of the Pentagon Papers in 1971. Nixon got five votes in 1982 to ward off a lawsuit by Ernest Fitzgerald, a Defense Department official fired for revealing cost overruns on the C5A transport plane. President Roosevelt got six votes in 1944 when the court upheld his right to intern Japanese-Americans. Clinton got zero votes. Only Nixon did this poorly and that was when he tried to block prosecutors from obtaining White House tapes in the Watergate criminal case in 1974.

Still, Clinton may have gotten all that he and his attorney, Robert Bennett, had hoped for. Dick Morris says the constitutional argument that a president can't be sued while in office was concocted to sidetrack the case until Clinton was safely reelected. "This was basically a trumped-up argument that Bennett threw together at the last minute to get this thing until after the election," Morris said on the Fox News Channel. "And of course by 9-0 it had no legal merit. I never thought it had any legal merit. But the point was, we weren't going to let this thing be adjudicated in August, October, November, near the election." Morris should know. He was Clinton's chief political strategist in 1995 and 1996.

Clinton nearly succeeded in delaying the case even longer, says Joseph Cammarata, one of Jones's lawyers. The president's side asked for a 30-day delay in filing its brief with the Supreme Court, saying it needed to add two constitutional experts to Clinton's legal team. Jones's attorneys opposed the postponement, and the justices agreed. If it had been granted, the delay would have put the case off until the court's next term, beginning in October, according to Cammarata.

So now what? A settlement of Jones's suit, which charges Clinton lured her to a hotel room in Little Rock in 1991, exposed himself, and sought oral sex, is logical. Certainly Clinton won't want to take the stand or even be deposed as a defendant in a sexual-harassment case. But reaching a settlement may not be easy. At their press conference following the May 27 ruling, Jones's lawyers left the impression that she only wants the president to acknowledge she did nothing wrong or improper when they met in the hotel room. Now, they insist Jones requires more than that.

First, the president must apologize, Cammarata says. And that must be accompanied by "a statement that will underscore or affirm her truthfulness with respect to this incident and the fact that she did nothing wrong." Agreeing to her "truthfulness" would be the hard part for Clinton. In effect, he would be endorsing her account of events at the hotel and admitting he made a crude sexual advance. "If [Clinton] wants to shut down the case, he's got to give me what my client wants," Cammarata says.

This goes beyond the settlement that lawyers for Clinton and Jones discussed just before she filed suit in 1994. The statement under consideration then, Cammarata says, had Clinton saying he didn't remember meeting Jones but wasn't challenging her assertion about what may have happened in 1991. It also made clear that she hadn't acted in a sexual or improper manner and noted Clinton's regret that untrue comments had been made about Jones. Cammarata says Clinton's lawyers had approved the statement, but Jones's hadn't. "It wasn't enough then and it isn't now," he says.

The Supreme Court ruling gives Jones considerable leverage in pursuing the case, and her lawyers vow to use it to the hilt. For one thing, Cammarata is pressuring reporters to pepper Clinton with questions on whether he went to the hotel room, was alone with Jones, and made advances. For another, he intends to try to substantiate "a pattern of conduct where then-governor Clinton has used state troopers, at state expense, for his own personal enjoyment and, in particular, for the procurement of women." This is a line of inquiry that Clinton certainly doesn't relish. Given the schedule outlined by Judge Susan Wright, the case should come to trial no later than next spring, unless sidetracked again by Clinton.

For its part, the White House doesn't want to talk about Paula Jones at all. Clinton says only that the case is in Bennett's hands. Even Mark Penn, the president's pollster, is muzzled. Though he polled for Clinton extensively last year and in 1995 and still conducts national surveys twice a month, Penn said he doesn't recall whether he's ever asked a question about Paula Jones or her allegations. Nonetheless, Penn said Clinton's popularity won't dip because the public will see the case as "diverting Washington from its central mission." The court decision? "A procedural matter will not in any way affect the president's standing or image," he said. But he didn't sound too sure.

Fred Barnes is executive editor of The Weekly Standard.

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Finally, a Good Fight

by Major Garrett

Something refreshing is afoot in Minnesota. Republican governor Arne Carlson is in a knock-down-drag-out fight with the Democratic legislature over his plan to devote $150 million to tax deductions and credits for parents seeking alternatives to public education.

When the Democrats killed the plan in mid-May as the legislative session came to a close, Carlson demanded they debate it anew in a special session, now looming. The governor has vowed to veto the entire $6.7 billion education budget unless the Democrats relent and give school choice to parents throughout Minnesota.

The Democrats and the Minnesota chapter of the National Education Association are astonished by Carlson's newfound passion on school choice. The state education lobby endorsed him in 1990 and donated $60,000 to his campaign after he promised to oppose the use of public funds for private education. "We have a videotape where he denounces using public money for private religious schools," says a genuinely confused Judy Schaubach, president of the Minnesota Education Association. "I wish I knew what he was up to."

What Carlson is up to is waging the most important battle for school choice in the nation. He has pointedly declined to sip the tepid tea of bipartisanship with Democrats protective of the status quo in education. His gambit confuses his opponents on many counts. A pro-choice Republican who has signed gay-rights legislation and drastically boosted education spending, he keeps his distance from social conservatives and has never been supported by his party's nominating convention. He leaves office in two years, has no detectable senatorial ambitions, and is by no means presidential timber. His critics, then, detect no hidden scheme to advance his political interests.

So why pick a fight over school choice—a sticky wicket anywhere—in a state with an abiding affection for public schools? Because the governor is fed up with what he calls the "education cartel."

"The education lobby approached me in 1990 and wanted to know if I'd accept their support," Carlson recalls. "At the time, I was not in love with vouchers. But after I became governor, all I was pressured for was more money, more money, and more money. That made life impossible. The more I thought about it, the more I began to figure out that [the education lobby was] not that supportive of reforms that would actually help children. There is a kind of pretense that to them kids are first. That simply isn't true. The union interest is first."

Following this revelation, Carlson asked the legislature in 1995 to provide state education vouchers to poor children. The proposal attracted virtually no support and quickly died. The defeat was reminiscent of many suffered by the school-choice movement. Minnesota voters bought the lobby's line that education spending is a zero-sum game and that vouchers for the poor would shortchange middle-class kids. Voters were also genuinely concerned about the blurring of church-state separation implicit in tax-funded vouchers' going to church-run, as well as secular, private schools. These arguments, broadcast in massive media campaigns funded by the NEA, doomed school-choice referendums in Colorado and California and have scared off numerous Republican governors and members of Congress.

But instead of accepting defeat, Carlson set about devising a plan that could win middle-class support and sidestep church-state issues liable to land it in the courts (the fate of voucher programs in Cleveland and Milwaukee). With the help of Tim Sullivan, press secretary to Vin Weber when Weber was a GOP congressman from Minnesota, the governor settled on his package of refundable tax credits for lower-income families and tax deductions for the middle class.

The proposal would give any family with an income of up to $39,000 a refundable tax credit of $1,000 per child per year, up to $2,000, for expenditures to improve the child's knowledge of subjects required for high-school graduation. Tutors, educational summer camp, private school, and classes taught by qualified instructors would qualify; flute lessons, soccer camp, and self-esteem seminars would not. The credits would be indexed to inflation and would reduce a family's tax burden dollar for dollar.

To sweeten the pot for the middle class, Carlson proposes a deduction of up to $1,950 per child in grades K-6 and up to $3,000 per child in grades 7-12 for the same educational expenses. Education deductions already exist, but they are worth far less: $650 for children in grades K-6, $1,000 for those in grades 7-12. Carlson also wants to let parents deduct the cost of a home computer and educational software.

So far, the scheme has attracted much more public enthusiasm than Carlson's voucher idea ever did. After pro-plan commercials ran on radio and TV, state legislators begged Minnesotans for School Choice to end their campaign because calls in support of the governor were disrupting business. A *Minneapolis Star-Tribune* poll showed 68 percent public approval. Those numbers, however, have not translated into support in the legislature, where Carlson's plan was defeated in

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the education committees of both chambers on party-line votes of 9-5.

"That's because this *is* a zero-sum game," says Phil Carruthers, speaker of the Minnesota House. "The $150 million for the credits and deductions would be taken out of the public education funding." By threatening to veto the education budget, says Carruthers, the governor is trying to push through "something that he could not get from the legislature were it evaluated on its own merits."

Yet when it comes to arguing the matter on the merits, Carlson's opponents have trouble maintaining a coherent line.

First they contend that the tax credits and deductions won't help anyone. Even with the subsidy, poor families can't afford private school, and middle-class families that want to send their kids to private schools already do—and buy them computers as well. "The credits and deductions are not going to have a widespread impact," says MEA president Schaubach. In the next breath, though, they argue that the credits and deductions are a step toward dismantling public education. House speaker Carruthers "knows" it is the supporters' intent "to set up a parallel system that ultimately replaces public education with a system that receives superior funding." But if the credits and deductions won't work and won't help anyone, how can they destroy the public schools?

The opponents argue that the credits and deductions are really disguised vouchers. Except that they aren't. A deduction—allowing them to shield a sum from taxation—is not the same as collecting taxes and giving them back in the form of vouchers that must be used for private education. This Carruthers reluctantly concedes. For that matter, the speaker admits he would oppose Carlson's credits and deductions even if they were pure add-ons to a bill that "adequately funded" every conceivable education need in the state. So his concern really isn't about a zero-sum game.

It's about protecting public schools from any encroachment. Says Tim Sullivan, "This is a test of wills between the broad public and the teachers' union's hammerlock on the Democratic party."

Carlson and the Democrats began negotiations last week, but no swift resolution is expected. The governor is adamant about the tax credits for poor families. He will accept no bill that excludes them. "I find it appalling," he says, "that the president of the United States and the vice president want to celebrate their right to send their children to private school but deny others the same choice just because they are poor."

Carlson's tax-credit and deduction proposal, introduced as an amendment in April, lost in the Senate 40-23, only one vote short of the 24 needed to sustain a veto of the education budget. If the Democrats refuse to include his credits and deductions in the next version of the education budget, Carlson is confident the House will sustain his veto and that eventually the Democrats will have to blink. "I don't understand why it hasn't gotten more national attention," says Chris Pipho, of the Denver-based Education Commission of the States. "Both sides have drawn a line in the sand on this one. I don't know of any governor who has tied together the issue as Carlson has."

The outcome in Minnesota could have a dramatic impact on the future of school choice. If nothing else, the example of a Republican governor who, upon suffering one defeat, regrouped and fought again should invigorate a GOP congressional leadership bent on unilateral surrender on this issue and so many others dear to fiscal and social conservatives.

Major Garrett wrote about GOP strategy in our May 5 issue.

Elephantine Propaganda

by Ike C. Sugg

The latest installment in the long, colorful history of counterproductive do-goodism is the quixotic campaign by the Humane Society of the United States to stamp out the sport hunting of elephants in Zimbabwe. This misguided effort—though spurned by a string of environmental champions (including the National Wildlife Federation, the Wildlife Conservation Society, the African Wildlife Foundation, the World Wildlife Fund, the World Conservation Union, and even Malthusian Stanford biologist Paul Ehrlich)—has lately found a new fig leaf: fiscal conservatism.

"Innocent elephants slaughtered for fun—& You're Paying For It!" screamed one headline about the Humane Society's campaign. "It's cruelty beyond belief . . . Paid For By You!" read a caption. To be sure, the publication thus exercised was the *National Enquirer* (on December 10, 1996), but its story quoted no less a worthy than the freshman senator from Colorado, Republican Wayne Allard, abristle with moral and fiscal indignation. The hunting of Zimbabwean

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elephants, Allard said, is "an atrocity. . . . It's callous and brutal. . . . Please join me in the fight by filling out the coupon below. . . . Demand that Congress put an end to the taxpayer-subsidized slaughter of elephants."

And how, you may ask, does the American taxpayer get into the act? It's quite a stretch—but not beyond the ingenuity of politicians and animal-rights fundraisers eager to make use of an emotionally appealing cause. The United States is assisting community development in Zimbabwe, but it is not subsidizing the slaughter of elephants.

The story really begins back in colonial days, when European governments robbed Africans of their wildlife, which then became "the king's game." Today, most of the 35 African nations harboring elephants retain something resembling the colonial wildlife laws.

Typified by bans on commercial exploitation and hunting, these have proved a mammoth failure as conservation measures. Since Kenya banned hunting in 1976, for example, about half of its animals have disappeared, and its elephant population has plummeted, from over 100,000 to 26,000. Governments thus have been forced to explore other policies.

This is what Zimbabwe—then still Rhodesia—did in 1975, when the faltering white government gave landowners proprietorship of the wildlife on their land and the right to profit from it. Since then, the amount of land managed for wildlife has nearly doubled, from 12 percent to over 22 percent of the country's area. Because landowners can make money from wildlife, they are protecting more habitat, and animal populations grow. Zimbabwe's elephant population has increased by 50 percent, to over 65,000. Today, it is growing by more than 1,000 animals a year and in some regions exceeds the land's carrying capacity.

A further development came in 1989, when a program known as CAMPFIRE was launched in an effort to alleviate rural poverty in Zimbabwe. Under this Communal Areas Management Programme for Indigenous Resources, to which the United States is contributing $28 million over 10 years, control over natural resources was devolved to the local level. Also, the same rights over wildlife that private landowners had enjoyed since 1975 were extended to blacks farming communal lands. Like white proprietors before them, farmers in the CAMPFIRE communities soon found that there was money to be made by catering to tourists' taste for hunting.

Today, licensed safari operators, or "outfitters," compete for hunting rights. Communities with elephants on their land decide whether to sell their rights and negotiate a price for the "quota" of animals the government has determined may be hunted. The winning outfitter pays the price, then sells hunts to tourists (most of them American). The current market price for an elephant "trophy hunt" is around $10,000—up significantly from $500, the price the government set in 1975.

In the early years of the CAMPFIRE program, very little of the take found its way into rural people's pockets. Mid-level bureaucrats siphoned off what they could in lieu of taxes, angering grass-roots participants. But today, almost three-quarters of the money is distributed to farmers, the rightful owners of the game. CAMPFIRE communities make 90 percent of their income from trophy hunting, and more than half of that comes from elephants. Thus, the devolution of legal rights to wildlife has empowered peasants, both politically and economically.

It has also strengthened incentives for conservation. Elephants and their habitat have been transformed from economic liabilities into community assets. As a result, fewer elephants are being killed: Before CAMPFIRE, about 300 elephants were killed every year in communal areas of Zimbabwe, most of them after they had raided crops. Since the CAMPFIRE program began, the toll has declined to 130 a year, some 30 killed for crop raiding and another 100 shot by hunters. The world's official arbiter of elephant population viability, an expert panel of the United Nations-sponsored Convention on International Trade in Endangered Species, confirmed in February 1997 that Zimbabwe's elephant population is "large, increasing, and viable, and no serious risks have been identified."

Here then is what has the Humane Society up in arms: not a catastrophe for wildlife, but a chance to rally potential contributors who frown on hunting. As for U.S. taxpayers, the reality is that elephants and hunters are subsidizing community development, and U.S. taxpayers are simply taking up the slack.

The Congressional Black Caucus has come to CAMPFIRE's defense, as the House and Senate prepare to mark up their respective appropriations bills. The Agency for International Development's $6.4 billion budget request is on the table, and the CAMPFIRE subsidy is at risk.

Reasonable people can disagree, of course, about whether U.S. taxpayers should be assisting CAMPFIRE or even providing aid to developing nations at all. It is a serious question, of keen concern in Africa, home to 29 of the world's 36 poorest countries. But the debate over aid should be honest and informed, not a shrill and irrelevant showdown over a nonexistent massacre of "innocent elephants."

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Clintonized Republicans

By William Kristol

In politics, as in life, little things are often the most revealing. Senate majority leader Trent Lott does lots of big things—chemical-weapons treaties, budget deals, and the like. But it is a little thing—his brief comments responding to reporters' questions about Air Force Lieutenant Kelly Flinn, just a minute in length—that best illuminates the mindset of the Republican congressional leadership.

What Lott's remarks reveal is the ascendancy of Clinton and Clintonism. The voice answering the questions is Trent Lott's, but the sensibility is Bill Clinton's. The whole manner of thinking—or emoting—that informs Lott's response is Clintonian. Lott's answers show that the Republican congressional leadership suffers from more than a failure of strategic intelligence or a loss of political confidence. It has lost its soul.

Let's deconstruct Sen. Lott's statement.

1. Lott begins by acknowledging that he doesn't really know much about the Kelly Flinn case. Does he therefore refrain from commenting? No way. Because (and here is his first Clintonian impulse) one doesn't need to know much to be "concerned"—indeed to be "very concerned"—about something. In Bill Clinton's America, political leaders emote, on the basis of vague impressions, and regardless of the damage they might do to institutions, individuals, or the public discourse. In Bill Clinton's America, politicians show personal empathy. Lott uses the first-person pronoun 19 times in his 20 sentences. Ronald Reagan tried never to use the first-person pronoun in public statements. But Trent Lott's Republicanism is modeled on Bill Clinton, not on Ronald Reagan. More than anything else, Lott wants to let us know he feels Kelly Flinn's pain.

2. Lott asserts that Kelly Flinn's treatment was "unfair." He provides no evidence for this, and no criteria of fairness. One might think that if Lott doesn't understand why Flinn is being punished, if he has "lots of questions," he would refrain from judging the fairness of the Air Force's proceedings.

But Lott is being disingenuous. He thinks he does understand. And what he thinks he understands—though he doesn't quite say it, because then it could be judged as a factual claim (another Clintonian device)—is that Kelly Flinn is being punished because she is a woman. For Trent Lott may not know much about this case, but he does know that Republicans suffer from a gender gap. He thinks that the way to close it is to show sympathy for Kelly Flinn. As *National Review*'s Kate O'Beirne points out, Lott apparently believes that the GOP's gender-gap problem "will not be solved by appealing to traditional women, who value the

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virtues that the military (and few other institutions) still demand. Instead, the GOP will be courting feminists." Lott has internalized a certain view of the gender gap, in which pioneering American women like Kelly Flinn are singled out for persecution by traditional, male-dominated institutions. Call it the Hillary Clinton view.

3. Lott does not simply argue that Kelly Flinn should be treated "fairly." He thinks "at a minimum she ought to get an honorable discharge." *At a minimum*. What does this mean? Nothing. But this device—hyperbole that is at once shameless and meaningless—is truly Clintonian. It is the essence of Bill Clinton's rhetorical style, and Trent Lott appropriates it effortlessly.

To be fair to Clinton's administration, though, one ought to note that its actions were more responsible than Lott's recommendation. Two days later, Bill Clinton's Air Force secretary denied Lieutenant Flinn's request for an honorable discharge.

4. Which leads to the issue of respect for institutions, and especially traditional institutions like the military. Nothing is more characteristic of the cultural Left than its willingness to damage important institutions for fleeting political advantage. The gays-in-the-military initiative was emblematic of the early Clinton administration. And it was resented by many Americans—both as a symbolic assault on their mores and for its cavalier disregard for the actual requirements of the military as an institution. Lott's casual assertion that the Air Force has dealt poorly with the Kelly Flinn case and that the Pentagon is "not in touch" is thus vintage Clintonism. The Clinton administration has learned to muffle this impulse and to respect the interests of institutions like the armed services. Now it is the Republican leadership that shows disdain for the military culture.

5. We come here to the heart of Lott's complaint: that the military just doesn't get it. "The Pentagon is not in touch with reality." "I mean, get real." This is Trent Lott's Joycelyn Elders moment. "Get real" means: Give up on traditional moral standards. Thus Lott speaks of "this so-called question of fraternization." The military's long-standing rules against fraternization do not address a real problem, it seems, only a so-called one. "Reality" must trump such rules. Contemporary sexual mores are what's real. The "so-called" Seventh Commandment apparently is not real. Lott must have been pleased to be praised the next day by the *New York Times*. Presumably he

May 20, 1997, media Q&A with Sen. Trent Lott

QUESTION: *Senator Lott, should Lieutenant Flinn get an honorable discharge?*

LOTT: I have not gotten into the details of what is involved here. I'm not a member of the Armed Services committee. But I am very concerned about what I have seen with Lieutenant Flinn. I think it's unfair. I don't understand why she's being singled out and punished the way she is.

I think at a minimum she ought to get an honorable discharge. And I've got a lot of other questions about why the Air Force hasn't stepped up to this issue and dealt with it better.

I tell you the Pentagon is not in touch with reality on this so-called question of fraternization.

I mean, get real. You're still dealing with human beings. And the way she has been treated really disturbs me greatly. I just—I haven't taken it up directly with Secretary of Defense Cohen yet. But if this is not worked out better than it looks like it's going to be worked out, I am going to take it up with him, because I think she is being badly abused.

QUESTION: *Does Congress have a role in guiding the military about?*

LOTT: Well, yes. Yes, I think we do. And I think we're going to have to, you know, get involved in giving some more thought to how these issues like this are going to be handled. My wife has a good question. Where's the guy that was involved in this deal? I don't understand all this. And I think it's very unfair.

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concurs with their view that the military services "need to review their antiquated adultery rules." In urging the military to "get real," Trent Lott's Republicanism is—finally—*au courant*.

Nothing was more *au courant* at first than Clintonism. Bill Clinton, however, has evolved. The day after Lott's statement, the president went out of his way to denounce "heroin chic" fashion advertisements. Drug use is "real." Yet Clinton was willing to argue that it "is not good for society to legitimize drug use." Indeed, a senior adviser at the White House, Rahm Emanuel, explained that President Clinton was concerned about how we shape attitudes. Sen. Lott is concerned about accommodating them.

6. Lott threatens to raise the Kelly Flinn case with the secretary of defense: "If this is not worked out better than it looks like it is going to be worked out, I am going to take it up with him." Secretary Cohen wasn't impressed. Not only did his Defense Department resolve the Flinn case differently than Sen. Lott wished, but Cohen then took it upon himself to defend the armed services' standards against critics like Lott: "There are some who now suggest that the military is preaching Victorian values in the age of Aquarius, that our standards are unrealistic or even undesirable when contrasted with contemporary mores." Secretary Cohen emphasized that he disagreed, and that he expected the military to "uphold the highest standards of conduct in the world." Perhaps Sen. Lott will now urge Secretary Cohen to "get real."

7. Finally, taking another play from the original Clinton playbook, Lott invokes his wife. "My wife has a good question. Where is the guy involved in this deal?" Now Tricia Lott is an intelligent woman. It is hard to believe that she asked so foolish a question. For the man, Marc Zigo, was of course not in the Air Force. But his wife, Gayla Zigo, was and is. Indeed, the question to be asked is about Gayla Zigo, the wronged woman.

Mrs. Zigo is conspicuously missing from Lott's remarks. The truth is that Gayla Zigo is probably the type of woman who, in reaction to the first two years of Clinton, went to the polls in 1994 and helped produce a GOP landslide and the first Republican Congress in 40 years. Back then, Republicans sought to speak for the Gayla Zigos of the world. They spoke in defense of family, the military, and morality. Now they have "gotten real." They have adopted the attitudes of the Clinton administration circa 1993—long after a wised-up White House came to understand how politically disastrous these attitudes are.

Some observers have wondered whether Bill Clinton's lasting contribution to American politics will be to define the presidency down. But the presidency will survive Bill Clinton's tenure. Trent Lott's comments suggest that Clinton's effect has already been to induce Republicans like Lott to define Republicanism down.

Will no one step forward to defend the honor of Republican principles and the dignity of the conservative cause? Are we all Clinton Republicans now? ♦

Confused Conservatives: The Worldwide Crack-up

By David Frum

In Leo Tolstoy's telling of the story, Napoleon began the battle of Borodino—the battle that doomed his hopes of conquering Russia—exactly as he began every battle. He reviewed his men, gave them an inspiring speech, and sent them out to attack the enemy. In the past, the result had never varied: Eight hours later, his generals would return, flush with victory, and hail him as a genius. This time, though, something dreadful and unexpected happened. All the news that filtered back to him was bad. The enemy wasn't running away; French casualties were rising fast. Napoleon couldn't understand it. He hadn't done anything any different from what he had done before. Why wasn't it working? Why was everybody blaming *him*?

Okay, perhaps Tolstoy got Napoleon wrong. But

Contributing editor David Frum is the author of What's Right.

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surely he got the leaders of conservatism, in the United States and abroad, dead right. They are doing exactly what they used to do in the days when Reaganite Republicans and Thatcherite Tories won election after election. And yet from the front comes news of disaster after disaster. In last week's first round of the French parliamentary elections, the conservatives suffered their worst defeat since the founding of the Fifth Republic in 1958. On May 1, the British Tories suffered *their* worst defeat since 1832. In the United States, Newt Gingrich and Trent Lott—the once combative leaders of the bold Conservative Opportunity Society—have signed off on a budget-balancing plan that is in many ways worse than the one the congressional Democrats enacted in 1993.

It's baffling. It seems just yesterday—it *was* just yesterday—that the collapse of communism, the successes of Reagan and Thatcher and Kohl, and the emergence of Latin American leaders like Carlos Salinas and Carlos Menem were widely thought to have settled the big political questions once and for all. That tedious left-wing project, the search for a third way between liberty and central planning, appeared terminally discredited. French intellectuals wrote books lacerating themselves for their lack of faith in capitalism. The socialist chapter in human history seemed to have been definitively closed.

> THE QUESTION FOR CONSERVATIVES TO PUZZLE THROUGH IS HOW MEN LIKE CLINTON AND BLAIR MAKE THEMSELVES ACCEPTABLE, WHEN DUKAKIS AND KINNOCK FAILED TO.

Now, suddenly, the same old chapter seems to have reopened. Of course it's true that the politics of Britain, France, and the United States reflect local conditions and peculiarities. But, without over-generalizing, it's fair to say that in all three countries, voters are chafing at conservative attempts to reduce the role of government. In France, the government humiliated last week had tried to nip slightly the array of benefits provided by the state, in order to lighten the tax burden on employers and reduce the country's 12.8 percent unemployment rate. In Britain, Tony Blair capitalized on years of accumulating resentment of Tory moves (half-hearted and confused though they often were) toward a more competitive, more self-reliant society. And in the United States, the craven performances of Trent Lott and Newt Gingrich are a reaction to their sense of having barely escaped disaster in the 1996 congressional elections.

Optimists eager to believe that conservatives are, despite everything, winning can easily tick off reasons to hope that things are not as bad as they look. They can argue that the Right is losing electorally in large part because it is so dominant intellectually. Had Tony Blair campaigned as an old-style British socialist, committed to renationalizing industry and reimposing 97 percent tax rates, even John Major could have beaten him. Had Bill Clinton run in 1996 opposing the death penalty and the Pledge of Allegiance, he would have suffered the same fate as Michael Dukakis. And in France, the Left owed its victory to a completely non-theoretical defense of the status quo, rather than to any promise to—in the words of its 1981 campaign slogan—"change life."

Optimists might equally point out that the Right today is suffering nothing more serious than an outbreak of complacency after a long run of electoral success. At Notre Dame in the final minutes of the last football game of the season, the coaches send onto the field the seniors who were never quite good enough to play for a few minutes of glory before graduation. In the same way, over-confident conservative parties have been playing their benchwarmers since 1988: While the Democrats and Labour were ruthlessly searching their ranks for the most adept, cunning, and unscrupulous candidates, the Republicans and Tories were charitably giving George Bush, John Major, and Bob Dole a final fling on the gridiron.

There is much truth in the optimists' account—but not quite enough. People will vote even for a Bush or a Major if they can be convinced that the alternative is unacceptable. The urgent question for conservatives to puzzle through now is how it is that men like Bill Clinton and Tony Blair could make themselves acceptable, when Michael Dukakis and Neil Kinnock failed to. What, precisely, is "new" about the "New Democrats" and "New Labour"?

Back in the 1970s, the parties of the right bid for power by adopting clear, easy to understand policies. One knew what one was getting; there was nothing vague about either Ronald Reagan or Margaret Thatcher.

The vagueness of Clinton and Blair is, however, legendary. After nearly five years of the Clinton administration, it's still not clear what Bill Clinton hopes to accomplish; one cannot even easily describe what he *has* accomplished. Blair is woolier still, denouncing the alleged greed and corruption of contemporary British society while praising the person—

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Margaret Thatcher—who made that society; offering sweeping visions of a radically different future (which he terms a "stakeholder society") while promising not to tax or spend one pound more than the Conservatives; and so on.

What Reagan and Thatcher thought was as clear as a newly washed window on a sunny day. By contrast, a small library has been streaming off the publishers' lists by authors doing their damnedest to piece together some coherent account of this new mid-Left. Many of these books—such as E.J. Dionne's *They Only Look Dead*, Will Hutton's *The State We're In*, and Martin Walker's *The President We Deserve*—are ingenious. But then, they would have to be. Explicating the politics of Clinton and Blair is like trying to crack some lunatic IQ test that asks how many ham sandwiches it takes to build a new Chrysler, or what the color blue and the Great Wall of China have in common. There is no doctrine, there are no principles, there is nothing so sacred to New Democrats and New Labour that it won't be traded away if circumstances demand it. Unless politicians of the right come to grips with the new unpredictability, opportunism, fuzziness, and flat self-contradiction of the new political Left, they will never prevail over it.

CLINTON AND BLAIR ARE FIGHTING A GREAT DEFENSIVE BATTLE. THE OTHER SIDE HAS ALL THE IDEAS; THEY HAVE ONLY INERTIA AND THEIR OWN POLITICAL SKILL.

Conservatives have so far failed in this task. The Republican congressional majority in 1996 sent President Clinton three versions of a welfare-reform bill, confident that he would have no choice but to veto them all—and inadvertently helped to reelect him when he signed the last of them. They thought they had trapped the president in 1995 after he committed himself to a balanced budget, only to see him wriggle out. They thought they could drive him away from his base with wedge issues like the California Civil Rights Initiative, only to be driven away from their own base instead. President Clinton has a trademark trick of professing to support something while covertly opposing it (like welfare reform) and professing to oppose something while covertly supporting it (like racial quotas). It's a technique Tony Blair has emulated. He's become even better at it than Clinton himself. And it's a technique that has outwitted politicians of the right again and again and again.

Victims of domestic battery are often described as suffering from "learned helplessness"—a mental condition first diagnosed by an animal psychologist who submitted dogs to a radically unpredictable regime of treats and electric shocks, until finally the poor beasts no longer dared even to walk out the open door of their cages. Am I the only one who finds this a valid diagnosis of the Republican congressional leadership? The Republicans propose an increase in the Medicare premium $3 a month bigger than the premium the president proposes—and *zap*! They pass a popular program of institutional reforms of Congress, only to have the president claim all the credit—and it's *zap*! again. They promise big tax cuts and are denounced for busting the budget—*zap*!—give up on the tax cuts and then shake hands on spending cuts that are even bigger—and *zap*! once more. By now, they are so traumatized that they have folded their paws over their eyes and are lying on the newspaper, whimpering. What remains of the Tory front bench is snuffling even more pathetically.

Conservatives faced with the New Democrat/New Labour challenge need to understand the ultimate cause of their opponents' ideological unpredictability. Politicians of the left face an unsolvable set of problems. They want to engage in redistribution at a time when the modern state has grown so large that every act of redistribution creates at least as many losers as winners. They champion egalitarianism in countries where those inequalities that remain are almost always the product of differences in individual achievement. They profess to care about health, education, and security in old age at a time when the failure of state hospitals, state schools, and state pension schemes is increasingly visible to all. They have shrunk their once-inspiring slogans to the simple mantra of "fairness" at a time when courts and bureaucracies are implementing "fairness" with quotas and special preferences that strike most people as manifestly unfair.

It's a truly desperate situation, one that calls for extreme cynicism in a would-be leader. Republicans often wonder where the Democratic Howard Bakers are; why no congressional leader in the president's party has yet broken ranks over his ethical conduct. Perhaps it is because Democrats understand their dilemma better than Republicans do. Howard Baker and the other anti-Nixon Republicans worried that their president's dirty methods were discrediting their cause. The Democrats understand that their leader's methods are indispensable to their cause. There's a scene in the movie *The Battle of Algiers* in

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which the charismatic French paratroop commander—who has been winning the battle by torturing civilians—must face an angry room of French journalists shouting questions at him about his brutal tactics. He commands their attention with a wave of his cigarette. "I shall answer your questions, gentlemen," he says (I'm quoting from memory), "but first you must answer one of mine: Shall France keep Algeria? Yes or no." Silence. "Very well then. We are agreed." And so are the president and congressional Democrats agreed.

Clinton and Blair are fighting one of the great defensive battles of modern politics. They are trying to do something very similar to what the Tory politicians of the 19th century tried to do: preserve antique political institutions in a world that has lost faith in them. The other side has all the ideas. On their side, they have only the weight of inertia, the sentimental appeal of old slogans, the lure of the pork barrel—and their own political skill.

Their strategy must therefore be a defensive one, as Clinton found when he introduced the one major domestic initiative of his presidency—his health-care plan—and was trounced. It calls for waiting for the bigger and more confident side to offer its plans and then sniping at them.

Conservatives bloodied by these guerrilla tactics will be understandably tempted to mimic them. That is what the Republicans have done all this spring. They ceded the president the initiative in the budget battle. They have launched a dozen little initiatives—estate-tax relief here, the defense of Kelly Flinn over there—rather than any single big idea. They have chosen to avoid losing rather than try winning.

Unfortunately, tactics of delay and evasion work much better for the party seeking to preserve the status quo than they do for the party that seeks to reform it. That's especially true when the anti-status-quo party is also a free-market party. Conservatives will never be able to outdo tricksters like Blair and Clinton in the competition to identify tiny, discrete electoral subgroups and stuff their beaks with money as a mother-bird does; they will never be able to position themselves on both sides of an issue like affirmative action, as Clinton has done.

What they need to do instead is identify issues where their opponent is to be found on both sides and force him to choose. (Whenever you catch Clinton straddling an issue, you can be pretty sure his own inclinations are at their farthest remove from public opinion—after all, where public opinion is on his side, as with Medicare, he doesn't need to straddle.) Bob Dole was much mocked by the press for his observation of the California Civil Rights Initiative that "it's a good issue; it's a wedge issue." But, when dealing with slippery characters, wedge issues are indeed good issues, because they pose inescapable alternatives.

This is why the Republican leadership was wrong and the social conservatives were right in the contest over the highest-priority Republican tax cut. The leadership, out of a combination of supply-side theory and attentiveness to big donors, prefers estate-tax and capital-gains relief. The social conservatives have been arguing for a tax credit or tax deduction for parents with children at home. The trouble is that since few Americans are in much of a position to benefit directly from estate-tax relief or a capital-gains tax cut, those cuts must be defended in terms of their economic effects. And those arguments necessarily sound speculative to the voting public. There's nothing speculative about a per-child tax benefit, though, and it forces the issue that New Democrats and New Labourites want above all to avoid: more spending and more taxes, or less spending and lower taxes?

President Clinton and Prime Minister Blair both rail against what they term "false choices": "Tough on crime, tough on the causes of crime" was one of Blair's most repeated soundbites. So long as the public can be gulled into the delusion that politics is a matter of "both/and," the new politics of the center-left can flourish. It's the job of conservatives, facing the new leaders of the political Left, to teach voters that many issues—and all of the most important ones—are instead matters of "either/or." Either equality under law or affirmative action; either work or welfare; either punishment or therapy; either school choice or school monopoly; either high taxes or low. Luckily for the Right, it isn't only its increasingly timid leaders who thrust these choices home; it is sheer political reality. The new political Left has adopted as its most fundamental premise the hope that reality can be denied by a steady stream of vague political rhetoric. But mushy words cannot blind people to craggy facts indefinitely. Truth has a way of asserting itself, no matter how charmingly it is denied. ♦

WHENEVER YOU CATCH CLINTON STRADDLING AN ISSUE, YOU CAN BE SURE HIS OWN INCLINATIONS ARE AT THE FARTHEST REMOVE FROM PUBLIC OPINION.

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The De-Moralization of the Military

Why the Kelly Flinn Story Matters

By A. J. Bacevich

The tale of Air Force First Lieutenant Kelly Flinn is absorbing for so many different reasons that, oddly enough, people will be tempted to *underestimate* its importance. After all, the melodrama of a high-flying career laid low by illicit sex is as undeniable as it is distracting. Flinn and her advisers will surely have no trouble selling a bathetic made-for-TV morality play in which the nation's first female pilot of B-52 bombers undergoes the "ordeal" of seeing her once-promising military career destroyed by unfeeling superiors. And even the unadorned facts of the case are compelling: the indisputable evidence of Flinn's misconduct, including disobeying orders and lying to her superiors; the recklessness with which Flinn encroached upon and destroyed the marriage of a fellow airman; the astonishing ease with which the aviator and her advisers gulled the media, not to mention an influential swath of Congress.

But what the Kelly Flinn saga tells us about relations between men and women is an old story. The important thing is what the Flinn case tells us about relations between the military and American society—at least those segments of society that shape public opinion. Those relations are in perilous disarray. That disarray undermines military effectiveness; ultimately it may harm American democracy.

In short, the matter of Kelly Flinn commands attention because it is of a piece with other equally tawdry but more substantial controversies: Tailhook; the conflict over gays in the military; the sex scandal at Aberdeen Proving Ground and other army training bases; and the highly publicized allegations of sexual misconduct by senior military officials such as the sergeant major of the Army.

Taken together, all of these embarrassments might lead to the conclusion that the military has a sex problem, and many are the critical onlookers who have concluded precisely that. The Pentagon's defenders for their part complain that military institutions are being unfairly obliged to pay homage to the imperious gods of political correctness. Both explanations contain elements of truth; neither is entirely satisfactory. The real problem, revealed with particular clarity now by the Flinn incident, is growing confusion over—and hostility towards—the culture of the military, its content and its claims to legitimacy.

Senior military officers—none of whom got to the top on the strength of their credentials as social philosophers—cling obdurately to the proposition that soldiering is and must remain a distinctive calling. When it comes to describing the essence of the way of life that they are determined to preserve, however, they flail about ineffectually. Of late, the brass has tended to define military culture in opposition to those tendencies in the larger American society that it views with evident distaste: self-absorption, permissiveness, moral relativism, and the erosion of self-discipline and individual responsibility.

That society, as they see it, is distinguished above all by its preoccupation with sex. Sex suffuses the marketplace, pervades the world of entertainment, creates fashions, fads, and celebrities, and insinuates itself into the political agendas of institutions ranging all the way from the local school board to the corporate boardroom and the halls of Congress. As a result, in the eyes of some military officers, policing sexual behavior offers a pretext for asserting the *difference* between soldiers and civilians, between "us" and "them." This, in turn, inspires commanders to conclude that the defense of the marriage bond might serve as a convenient platform for demonstrating the military's commitment to its self-proclaimed "higher standard."

Yet this sudden discovery of sexual restraint as a core value of military professionalism is patently fraudulent. Indeed, it is ludicrous. Throughout mili-

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tary history, license rather than prudishness has characterized the warrior class. Camp followers did not accompany armies on campaign simply to wash socks. More to the point, unless we are going to segregate the armed services from the remainder of society, military puritanism is unsustainable.

Meanwhile, civilian elites, increasingly ignorant of the realities of warfare and military life, profess to be puzzled by the very claim that the services should govern themselves according to a distinctive set of rules. Especially on matters related to sex, civilian elites now insist on an item-by-item justification of traditional military norms and practice.

That adultery, for example, might disqualify an individual from positions of trust and responsibility has passed beyond the ken of those who inhabit elite circles—a fact affirmed most resoundingly by the most recent presidential elections. To the arbiters of elite opinion, the very idea that a junior officer's (consenting) sexual shenanigans might have professional implications is patently absurd. Thus, when the Air Force announced its discharge of Flinn, the *New York Times* editorial board used the occasion as an opportunity to ridicule the military's "antiquated adultery rules." More generally, the editors of the *Times*, in high dudgeon, loosed a broadside at "an embattled military culture that has a lot to learn about handling sensitive personal matters."

Coincidentally, that same day the *Times* announced the appointment of Bill Keller as the paper's new managing editor. The announcement took note of the 48-year-old journalist's dazzling career and rapid rise to the upper echelons of the paper's editorial staff. It left out the piquant detail that Keller, married to another journalist, had only weeks before attracted press attention for his own sensitive personal matter: His "deliriously happy" mistress had just revealed that she was six months pregnant with their child. There was speculation, reported in the *Washington Post*, that this might impede Keller's rise. Obviously not. And having set aside their own antiquated customs, the senior executives at the *Times* see no reason why others—the military included—should not follow suit. As with adultery, so too with any number of other manifestations of traditional military culture.

When it comes to discerning acceptable standards of behavior, the military need not take its cues from the foibles of high-profile news organs. Yet if the military seeks to affirm its claim to cultural distinctiveness by declaring itself the last bastion of old-fashioned morality, it will certainly lose. It will lose not because it sets standards of sexual behavior at variance with those prevailing in the nation's executive suites, but because the people who join the military—bright, ambitious, libidinous, and patriotic young Americans like Kelly Flinn—view those standards as archaic and irrelevant.

IF THE MILITARY SEEKS TO AFFIRM ITS CLAIM TO CULTURAL DISTINCTIVENESS BY DECLARING ITSELF THE LAST BASTION OF OLD-FASHIONED MORALITY, IT WILL CERTAINLY LOSE.

Whether the military leadership likes it or not, Kelly Flinn is no creation of radical feminists demanding adherence to the rules of political correctness. Rather, the mediagenic aviation pioneer and Air Force officer is at one and the same time the offspring of America's vaunted sexual revolution, a typical—one might say, even exemplary—member of her generation. Central to the mindset of that generation is the firm belief that its members have an inalienable right to sex on their own terms and without consequences.

From Flinn's own point of view, it would appear that the two halves of her identity meshed nicely with each other. According to the testimony of Airman Gayla Zigo, whose husband became the object of Flinn's attention and vice versa, Flinn would show up at the Zigo home "always in her flight suit flaunting the fact that she was an [Air Force] Academy graduate and the first female bomber pilot." The denouement was not long in coming: "Less than a week after we arrived to the base, Lt. Flinn was in bed with my husband having sex."

From the outset, of course, the promise of sex without consequences has been illusory. And when things went awry, Flinn—like Paula Coughlin, the whistleblower of Tailhook fame, and the young recruits at Aberdeen who fancied that sleeping with their drill sergeants might "advance their careers"—all too predictably sought protection behind the banner of traditional femininity. Flinn's error, as she explained in a plaintive appeal to Air Force Secretary Sheila E. Widnall, was simply that she had fallen "deeply in love with a man who led me down the path of self-destruction."

The Air Force rejected this contemptible—and one might also say antiquated—defense, and rightly so. Yet the Air Force deludes itself if it imagines that

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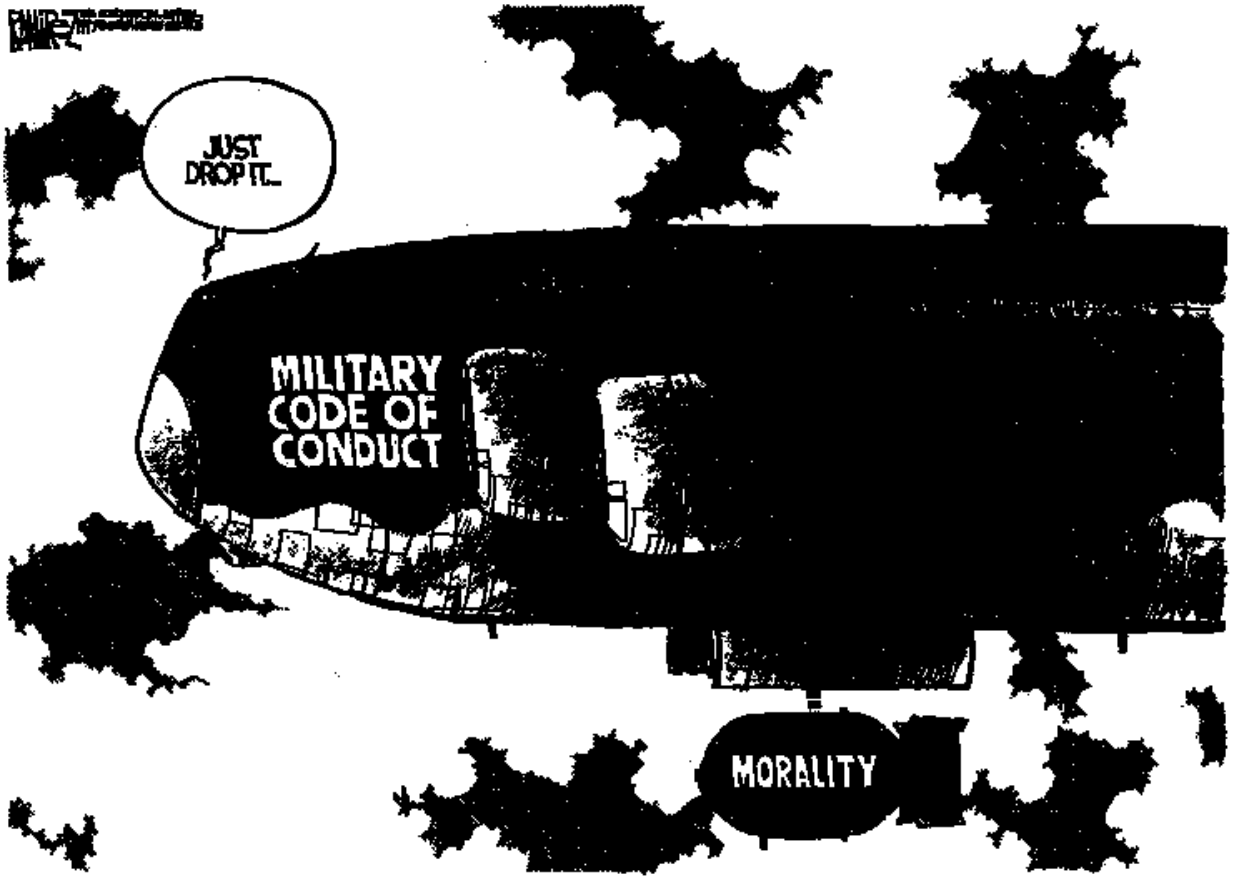
in purging Kelly Flinn from its ranks it has checked the contagion threatening the distinctive culture to which it insists military men and women must still adhere.

Indeed, for the military to imagine that it can sustain a relevant, vibrant culture by venturing onto the battlefield of contemporary sexual mores is itself fanciful. For starters, that contest has, in large part, already been decided. Reversing the tide at this late date, if still within the realm of possibility, far exceeds the capacity of even the mighty American military machine. Besides, fighting that fight is not the business of soldiers.

In the long run, to engage in a series of civil-military showdowns over sexual issues will only undermine efforts to insure that American soldiers remain tough, competent, disciplined, and politically responsible. Soldiers today find themselves perched between social and strategic imperatives not easily reconciled. This is their peculiar burden. More directly than their fellow citizens, they must wrestle with the challenges inherent in the nation's apparent determination to remain a free-wheeling democracy even as it assumes the role of global hegemon. Their obligation is to satisfy the demands of both. If they stray too far in either direction—either toward isolation and praetorianism or toward excessive accommodation with civilian values—they court disaster. The real need, therefore, is to reassess the requirements of modern military professionalism, taking into account the myriad forces that are transforming both American society and the conduct of warfare.

Undertaking such a reassessment assumes that civilian elites will acknowledge the need for such a culture and that military leaders can forgo the temptation to define military virtue as simply the inverse of civilian vices. The prospects that either condition will be met are remote. Neither soldiers nor civilian elites show any inclination to surmount the mutual prejudices and suspicions in which they have invested so much. Unless they do, civil-military antagonism will continue to escalate, with both sides attempting to score points by exploiting the failings of the likes of Kelly Flinn. It is a contest in which neither side is likely to prevail and in which the nation as a whole stands ultimately to be the loser. ♦



Michael Ramirez

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The Making of a Feminist Hero

By Tucker Carlson

Probably the weirdest stop on Kelly Flinn's quick journey from disgraced adulteress to feminist hero came on May 11, during her first appearance on *60 Minutes*. Correspondent Morley Safer opened the segment by explaining how sexism had destroyed Flinn's brilliant career in the military. In the old days, Safer said, the Air Force had been "a virtual boys club, a club that by tradition often turned a blind eye to the off-duty behavior of its officers." With the arrival of women, however, things had changed for the discriminatory. To prove it, Safer read from an Air Force job evaluation that described Flinn as "aggressive," an "incredibly sharp professional warrior." The point was that women like Flinn—women who were more than qualified to do their jobs—were being drummed out of today's military, possibly even sent to jail, for the crime of being female. A terrible injustice was being done, and Safer wanted to know how Flinn was handling it. "You're a tough woman, yes?" he asked. The aggressive professional warrior looked down, lower lip quivering. "Yes," she replied, her voice barely audible. Then she started to cry.

> THAT SOMEONE AS PSYCHOLOGICALLY FRAGILE AS KELLY FLINN WAS PUT IN COMMAND OF A B-52 SHOWS THE AIR FORCE IS HARDLY ANTI-WOMAN.

Flinn sobbed through most of the *60 Minutes* piece and in virtually every other interview she gave over the next few weeks. In private, according to one woman who knows her, Flinn had even less control over her emotions, at times throwing tantrums and becoming "hysterical." By the time Flinn resigned from the Air Force in late May, it was clear that her case was not a simple morality tale about gender bias. If anything, Flinn's behavior and judgment amounted to a strong defense *against* charges of sexism in the military. The fact that someone as psychologically fragile as Kelly Flinn had been put in command of a B-52 bomber with a nuclear payload was powerful evidence of the Air Force's determined, even reckless, effort to install women in positions of leadership.

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Nevertheless, from the beginning, a number of high-profile feminists, including several female members of Congress and the National Organization for Women, took stands in Flinn's defense, most demanding that she not be court martialed and instead receive an honorable discharge. Yes, her supporters admitted, Flinn had made a mistake by committing adultery and then lying about it to her superiors. On the other hand, as a woman, Flinn certainly had been subjected to selective and unfairly vigorous enforcement of military regulations. "There's a double standard in the military about what men and women are able to do and get away with," protested Karen Johnson of NOW. "Many pilots are guilty of the same indiscretion as Lt. Flinn and much worse, and they continue to fly and advance in rank." Flinn herself made a similar argument. "I don't think the investigation would have been handled in the same manner that it was handled if I had been a man," she told *60 Minutes*.

This is the crux of Flinn's defense, so it's interesting to note that neither she nor anybody else has offered any hard evidence to support it. Actually, women in the military are far less likely than men to be prosecuted for adultery, even accounting for their lesser number. Of the 154 people brought up on adultery charges in the Army, Navy, and Air Force last year, only nine were women. It takes a pretty creative interpretation to construe this as an anti-female witch hunt. And that's not the only messy detail Flinn's supporters have had to overlook. Consider Flinn's various explanations for why she lied under oath to the Air Force.

During her initial interview on *60 Minutes*, Flinn was asked why she had falsely denied having a sexual relationship with married boyfriend Marc Zigo, then, after being ordered to cease contact with him, had invited him to live at her house and taken him home to meet her parents over Christmas. Flinn's tearful response: "I was 25 years old at the time. I was very confused and I saw myself in a Catch-22: If I went

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ahead and admitted to all this, I saw my career ending."

Never mind that Flinn does not appear to know what a Catch-22 is. Her answer is still profoundly disingenuous. In fact, Flinn could have saved her career in the Air Force by being honest at the outset of the investigation. (By contrast, the much-maligned Marc Zigo, derided as a chronic liar by almost everyone, *did* tell the truth about the affair when asked by Air Force investigators.) Flinn may have recognized that this explanation needed some work, so a week later she changed it. During an interview on *Good Morning America*, reporter Erin Hayes asked, "Why did you lie?" Flinn's revised response: "At the time, when the investigation began, a few days prior I was told by a doctor I might have cancer. I was confused, I was wondering if I had cancer or not. I wasn't focused on the fact that this was an investigation that could go so far."

In other words, Flinn's decision to deceive her superiors had not been a conscious, calculated act, as she had claimed on *60 Minutes*, but an inadvertent slip of the tongue made by someone too distracted by thoughts of the hereafter to get her facts straight. Only one version of the story, at most, can be true, though neither one may be worth taking too seriously. According to a reporter who interviewed her before she appeared on *60 Minutes* or *Good Morning America*, Flinn originally claimed that her cancer scare took place weeks *after* she had knowingly made false statements to military authorities.

And then there's the problem of Gayla Zigo, the person who was married to Marc Zigo at the time of the affair. Mrs. Zigo's existence is tricky for feminists, for she is also a woman and, thanks to her husband and Kelly Flinn, also a victim. Gayla Zigo, like Flinn, was a military employee, but it was never an even match between the two. Flinn was an Air Force Academy graduate, the country's first female bomber pilot, and, most significantly, an officer. Gayla Zigo is an enlisted airman who works part-time at the front desk of a local Holiday Inn.

The Flinn story is often presented as a clash of cultures, the inevitable conflict between a modern, morally complex civilian society and a rigid, antediluvian military system still hung up on 17th-century notions about adultery. Military and civilian cultures are indeed different, but what Flinn did would have been considered unacceptable in both, if only because of the vast difference in rank between herself and Gayla Zigo. In the civilian world, Flinn's behavior is the equivalent of the vice president of a corporation openly taking up with the spouse of a mail-room employee. Nor was Flinn subtle about it. In a particularly poignant scene reported in *Time*, Gayla Zigo recounted how, as she "sat crying on her stoop" after an argument with her husband, "the bomber pilot drove up in her Honda Accord and whisked Marc Zigo away."

Flinn's abuse of her position is a central part of the story, but it was ignored by many reporters. An early and influential front-page *Washington Post* story on the case didn't even mention that

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Marc Zigo was married to an Air Force employee, describing him instead as "a civilian who has stated under oath that he lied to [Flinn] when he claimed to be legally separated from his wife." Ellen Goodman, in her syndicated column, not only dismissed Gayla Zigo as irrelevant, but suggested there was something wrong with her for being upset with Kelly Flinn. "That battered and betrayed ex-wife managed to turn her rage on the other victim of Marc's attentions," wrote Goodman. "I leave her and her self-deception to Ann Landers." In this particular drama, there was room for only one female lead. Given a choice between an upper-middle-class officer and a dumpy enlisted woman with a job in a service industry, champions of women's rights such as Goodman didn't have to think long.

Still, her impressive résumé doesn't fully explain how Kelly Flinn became a cause among feminists. Indeed, according to Tamara Jones, a *Washington Post* staff writer who wrote the first major newspaper story about Flinn, the saga initially seemed to have little to do with feminism. "Kelly Flinn wasn't really taking that tack," says Jones. "I think there were overtones and suggestions of sexism in her case, but that wasn't the dominant theme." How did the story of one woman's misdeeds in the Air Force become the story of all women's mistreatment in the military? Trace the sexism thesis back far enough and ultimately you'll arrive at Patient Zero, a lawyer in New York City named Tod Ensign.

Ensign runs a non-profit organization called Citizen Soldier, and for almost 30 years he has represented soldiers in their cases against the military, always from a leftist perspective. In the 1970s, Ensign, who is not himself a veteran, worked unsuccessfully to unionize GIs. In the 1980s, he was among the first to represent soldiers dismissed for homosexuality. His clients so far this decade have included alleged victims of Agent Orange poisoning and Gulf War deserters. In his spare time, Ensign has dabbled in radical politics, agreeing several years ago to become the vice-presidential candidate for the socialist Peace and Freedom party.

By early this year, Ensign, along with another attorney named Louis Font, was representing Lisa Kelley, an Air Force nurse accused of adultery (and other things). Ensign and Font kept the media up to date with a steady stream of press releases, but to the lawyers' disappointment Kelley's case did not become widely known. "Then," remembers Ensign, "out of the blue comes Kelly Flinn in late February. We looked at each other, Louis and I, and said, 'Jesus Christ, look at *this*.' She was like a poster child for the Air Force. You know, blond hair, blue-eyed, Academy grad, blah, blah, blah—the woman careerist of tomorrow. That's how the issue evolved."

Ensign and Font did their best to make sure the story evolved along specific lines, furiously faxing press releases to reporters explaining how Flinn, whom they were not formally representing, had been charged with adultery as "payback for the wave of sexual harassment complaints filed by female GIs throughout the military." The releases contained no evidence to support the claim. (Nor did they come off as very professional; one release repeatedly referred to Sen. Slade Gorton as "Sen. Garton.") But they didn't need to. The Air Force soon issued a statement denying Citizen Soldier's allegations, which were then reprinted in wire-service stories. In April, before most people had even heard of Kelly Flinn, *USA Today* dutifully responded with an A Section story, "Air Force Accused of Female Bias in Crackdown," quoting Ensign in the second paragraph.

The story got bigger and more predictable from there. Ensign and Font became fixtures of the countless news stories that sought to explain the greater significance of what had happened to Flinn. In May, Ensign appeared on *Good Morning America* directly after Flinn to comment on the case. "We know that the Air Force is prosecuting four times more women than men for fraternization," he told Joan Lunden in what must rank among the boldest and least-true statements uttered on television this year. "There's a policy here, there's a message being sent, I think, to successful independent women in the Air Force today, 'Watch it, baby, don't step out of line, we'll hold you to a double standard.'" Font went on NBC with a similar message. Before long, polls showed that most Americans believed sexism was a central factor in Kelly Flinn's case.

In conversation, Ensign is not reticent about explaining his interest in Kelly Flinn. "I'm on the left," he says cheerfully. "I believe that a lot of these militaristic policies come from the domination of the military of our foreign policy." Nor is he shy about the effect he thinks he has had on the case. "My opinion is that neither her or her lawyer would have framed the issues the way we framed them," he says. "I do believe that we forced them. We had been out there articulating this position for months, and finally it fell into place with Kelly Flinn. It was an idea whose time came. And Kelly Flinn fit in. The fine thing about her case was, it was enormously attractive and dramatic and it lent itself to tabloidization. And I'm very happy about it." ♦

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Hughes You Can Use

An Art Critic's American Visions

By David Gelernter

Robert Hughes of *Time* magazine, most celebrated art critic of the age, has made an irritating, interesting TV series called *American Visions* that is now showing on PBS. Eight hour-long segments cover the history of American art from colonial times to the present. The close of the last episode finds Hughes in a desert looking at his TV audience as if it were about to jump him. His voice is grudging and suspicious, his hands hang uneasily at his sides; you would guess that he is carrying a concealed weapon, except that he is in shirt-sleeves and has no obvious place to put it. He has just polished off the final artwork of the series and is summing up. And the juxtaposition of the art he has just presented and the words he is now speaking redeems the whole project, whatever your doubts and hesitations up to this point.

The final artwork is a project by James Turrell—a huge volcanic crater on a ranch in the desert. Turrell has smoothed out the rim by causing 200,000 cubic yards of earth to be bulldozed out of the way. He plans more construction, but his crater for now is a vast empty bowl. In presenting this work, Hughes never says the word "vacuous," and as he tours the crater he chats respectfully with the artist, or volcano architect, or whatever you want to call him. But as we depart Turrell's masterpiece and Hughes launches his closing speech, we have those vast-empty-crater images echoing in mind. Hughes tells us that modern American culture is at sea and adrift. His words have tremendous force, because he has just shown us a picture of the sheer emptiness that is passed off nowadays as art. He has shown us today's U.S. art as a vast pompous zero, a region where a devastating explosion seems to have taken place, destroying everything.

Whitney Museum of American Art, New York

Edward Hopper's 1930 masterpiece Early Sunday Morning

Hughes is opposed to the pious, pose-striking elite that manages culture in modern America, and has managed it into the ground. He denounces "narrow, preachy, single-issue art in which victim credentials count for more than aesthetic achievement." He shows us a piece of modern self-infatuated nonsense-art, explains the thinking behind it, and adds, "but, so what?" He tells us that artistic inventiveness "is flagging badly in America now." He lays down acid denunciation as naturally as a thrush warbles. He keeps the audience at a distance, and skeptical reserve is his greatest strength. It is also his greatest weakness. Blame is his medium, but on the other hand he is awkward at praise. He crosses three centuries of American culture with the nervous intensity and all-over scowl of a scavenging coyote.

He shows us a lot of art along the way, and his taste is good. He pauses at nearly all the right places—at Jefferson's architecture and L'Enfant's plan for Washington, at Homer and Eakins and Saint-Gaudens, Hopper and Stuart Davis, de Kooning and Joseph Cornell. He makes clever and interesting comments. The domed library at Jefferson's University of Virginia is "the round cranium of the university, literally its brain." The mansion-builders of the gilded age dreamed of halls "sheathed in rose alabaster the color of rare steak."

Contributing editor David Gelernter, our art critic, last wrote for The Weekly Standard *about free speech and the Internet.*

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Georgia O'Keefe's bleached skulls "verge on kitsch surrealism," and her fame "has more to do with legend and gender politics than with her actual achievement as an artist." An automobile in a cartoonish Grant Wood painting has "Walt Disney wheels." He tells us these things in well-made sentences that rise and fall gracefully. "The culture hero [his voice smoothly mounting] was the engineer, the builder of bridges, the creator of machines extolled by [easing us back down] the poet Walt Whitman." His flat Austr-eye-lian accent perfectly complements these sharp, firm, Roquefort sentences.

Evidently this is one high-class wine-and-cheese party of a TV series, the host hard-eyed but amusing, his feelings for art never gushy or embarrassing, in fact nearly always restrained and chaste. Naturally he is good on such restrained, chaste achievements as New England colonial folk-architecture and Amish quilts. He says of Amish quilts that no one would ever call them cute, a mighty compliment as Hughes figures it. When he says of Edward Hopper that "he is a painter I trust absolutely," you know that Hopper must indeed mean a lot to him, and that he wishes a painter to be as rock-solid as a Hartford insurance company. One of his best segments is about Hoover Dam. Hughes standing four-square atop a monumental, austere, and currently unfashionable American object is Hughes at his best. He projects, respecting the art he loves, the deep and clear-eyed regard of a potato farmer for a superior spud.

It is no surprise that, in consequence, words sometimes fail him. Consider *Early Sunday Morning*, the Edward Hopper masterpiece of 1930: a row of storefronts on New York's Seventh Avenue with apartments above, a barber pole and a hydrant out front. Hughes begins his spiel standing next to the painting as it rests on an easel, a fine idea because it allows us to grasp the picture's scale. But the spiel itself conveys little. He remarks on the painting's stillness, silence, and air of expectancy. He makes the rather abstract claim that a sense of time is conveyed although no story is implied.

But he doesn't mention that the painting is sad, dry, and wistful—and how surprising that is, given that there is nothing in it but a row of buildings. He doesn't mention that the narrow windows and doorways are blank and black—that you can't see in, which makes for a vaguely ominous effect; that the gold lettering on the shop-windows turns out to be unreadable, vaguely ominous again; that the continuous, gap-free row of buildings seems to wall you out and crowd in on you simultaneously; that the barber pole slouches as wearily as you picture Hopper himself slouching. (He was a tall, dry man who worked hard.) Hughes tells us that Hopper has lingered over the details but not that the brick facade, which is painted more or less without detail, feels warm and dull and exactly like brick.

HUGHES PAUSES TO GIVE "NOSTALGIA" A KICK IN THE RIBS, BUT HE IS, MOST IMPORTANTLY, A THROWBACK.

It happens repeatedly: He sets everything up just right and then, instead of making a pass at the girl, murmurs something about the parking meter and rushes off. Face to face with an object of affection, he has a tendency to go Prufrocky. He explains the symbolism in Homer's *Veteran in a New Field* but tells us almost nothing about the aesthetic value of the painting. (In eight hours of TV, he doesn't make time for a single Homer watercolor.) He leads us to the brilliant 1950 de Kooning painting called *Excavation* and delivers a clinical bedside commentary that reaches a climax on some scratchy black lines that look like floating teeth, and don't matter very much. "Dirty cream" is an unsatisfying description for these color-fields that are more steel-yellow than dirty-warm and are lit by vivid little explosions of yellow and red and blue and lilac. (In eight hours of TV there is no time to discuss de Kooning's achievement as a colorist.) The Shaker-design segment centers less on Shaker objects than on Hughes's swapping vacancies in a furniture gallery with an actual Shaker. (Hughes: "There's no way of improving on the design." Actual Shaker: "No. It's as simple as can be.") Elsewhere, Hughes informs us that "everyone wants Shaker objects, but very few want to lead the Shaker life." Astonishing. Yes, he finds Shaker objects beautiful, but he doesn't want to talk about it; he brings to art criticism a sensitive, James Dean-ish sullenness it never even knew it was missing.

On second thought, what kind of party is this, anyway? The host's mind seems to wander. He says things he couldn't really mean. He refers to the "naive enthusiasm" of industrial designers of the 1930s and shows us (without bothering to identify them) two locomotives designed by Raymond Loewy, who was not naive and whose locomotives are not naive. The occasional platitude skitters across the lawn like trash someone forgot to pick up. The musical interludes are ominous, histrionic, Orffish. The images are sometimes confusing or out of kilter. Why are all those flags around the Washington Monument at half mast? How come lower Manhattan, in the black-and-white footage that kicks off the 1930s segment (to the accompaniment of mood-enhancing radio reports of the Crash), is conspicuously dominated by the 1972 World Trade Center? Nice try, but the Philadelphia river Eakins painted is not pronounced "Shool-kill." Great art critics

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shouldn't have to worry about details like that, but their editors should.

You hear the same troubling, lackadaisical note as the series closes. Hughes tells us that American culture is in deep trouble, that today's U.S. art is largely no good. But he doesn't mention how astonishing these facts are, and how nearly paradoxical—America's being wealthier and more powerful than ever before, fitted out with technology that brings art vividly before the public, and with a public that is mad for art in turn, that jam-packs the museums, goes wild in the souvenir shops, stands patiently on the endless lines leading to the big-deal shows, and buys Robert Hughes books by the cartload. You cannot shrug it all off with the banal observation that "all cultures decay" and that America "may be no exception to that as we move towards the year 2000." It is here at the close, by the way, that Hughes's non-Americanness tells most, when he convinces us that the crisis is grave but has no ideas about how to fix it.

In short, *American Visions* often disappointed me. Even the brilliant conclusion is not as brilliant as it might have been. But I recommend it anyway and am glad I watched it.

Every now and then, Hughes pauses to give "nostalgia" a swift kick in the ribs, as if it were a poodle trailing him home. But the most important thing about Hughes is that he is a throwback.

It used to be that art journalists (like reporters in general) approached the world as skeptics and not true believers; as a rule they had no interest in promoting "diversity" or "multiculturalism" or "equality" or anything else, except maybe themselves. They wasted lots of time worrying about good prose and very occasionally got themselves worked up over such topics as patriotism or justice, but that would pass. They disdained the sappy and the humorless. They distrusted sincerity and earnestness. They disliked credulous people. They were un-nurturing. They laughed outright at stupid art, and (not infrequently) at good art, too. They smoked, they drank, they ate fried eggs for breakfast. *They whistled at girls*, except if they were girls.

In an uncaring society such as theirs, being an artist was no easy task. Many artists went around with bruised feelings, and some suffered bouts of dangerously low self-esteem.

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Things were tough all over—and yet, inconveniently, the Neanderthal American culture of 50 years ago was brilliant and ours is a hole in the ground. This is terribly unfair; perhaps the *New York Times* could propose corrective legislation. In the meantime, the impious voice of Robert "Big Scowl" Hughes is music from the past. Watching him work is like switching on your car radio and finding that you are accidentally tuned to 1946. You might not like all the words—I certainly didn't—but it does a person good just to listen and hum along. ♦

The Ambiguities of Austen

Why Did the Novelist of Happy Endings Die Alone?

By Katie Roiphe

Back in 1905, Henry James complained about "the body of publishers, editors, illustrators, producers of magazines, which have found their dear, our dear, everybody's dear Jane so infinitely to their material purpose." Imagine how James would feel today were he to witness the commercial manifestations of our current Jane Austen craze. Over the past few years, Austen's quiet courtship novels have been made into Hollywood movies, analyzed by fashionable male writers like Martin Amis, and displayed above front counters of Barnes and Nobles across the country.

Valerie Grosvenor Myer
Jane Austen: Obstinate Heart
A Biography
Arcade, 288 pp., $25.95

Though she has long been a staple of high-school English classes, our recent affection for this writer born over two centuries ago has less to do with the transcendent literary merit of her novels than with what she has come to represent. In the midst of our contemporary confusion about gender roles and sexuality, Jane Austen has come to symbolize clarity and order. In a world in which millions of women buy books like *The Rules* in order to gain some control over their romantic lives, where teenagers have babies and parents get divorced, *Pride and Prejudice* promises a few hours of calm and certainty. Jane Austen is best loved for the lost romantic world she describes, for the bright green lawns of a distant English countryside, where the virtue of marriage was a truth universally acknowledged, and love was formal, restrained, and inevitable.

Most of us are intimately acquainted with Emma Woodhouse, Elizabeth Bennet, and the Dashwood sisters, but we tend to know very little about their creator. Jane Austen lived as a spinster in what is tactfully referred to by her biographers as "genteel poverty." Her books were published anonymously—"By a lady"—because it was considered inappropriate for a woman of her class to write novels. And though they did achieve a certain amount of critical success and notoriety during her lifetime, it was not until after her death that they became immensely popular. Austen lived her whole life dependent on relatives and plagued by financial worries, and she died of what was most likely Addison's disease at 41.

There is a certain amount of irony to the title of the new biography—*Jane Austen: Obstinate Heart* tells us almost nothing about the author's heart, obstinate or otherwise. It's the kind of biography that casts aside troublesome questions of psychology and motivation for the more tangible details of roast-beef dinners, yearly incomes, and lace-trimmed cloaks. Valerie Grosvenor Myer gives us a responsible, if plodding, account of the minutiae of Austen's daily life while studiously ignoring issues of potentially greater interest—like how she felt about her romantic involvements or her art.

To be fair to the biographer, the information we have about Jane Austen's inner life is somewhat limited. Her family destroyed crucial passages from her letters, including an intriguing one she wrote on her deathbed about her "domestic disappointment." As a result, any portrait of Jane Austen is necessarily sketchy and speculative. As Myer points out, we don't even know with any certainty what the author looked like. With conflicting accounts of her appearance and no authenticated professional portrait, we can only piece together her features like police artists making a composite sketch of a criminal.

The Jane Austen who emerges from the pages of this new biography is cranky and unpleasant. Myer is so eager to discredit the already much-discredited myth of Jane Austen's sugar-sweet femininity that she bends too far in the opposite direction: She dwells almost entirely on what she admiringly refers to as the novelist's "vinegary" side. The reader may be alerted to this not-entirely-balanced view of Austen's character by the biographer's assertion, in the very first paragraph of the book, that her subject looks in one drawing like "a peevish hamster."

The greatest flaw in *Obstinate Heart*, however, is that the biographer

Katie Roiphe is the author, most recently, of Last Night in Paradise: Sex and Morals at Century's End *(Little, Brown).*

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largely neglects what is probably the richest evidence of Jane Austen's inner life: the novels themselves. Readers seeking a more satisfying account of the novelist's life and how she processed her life into art should read Park Honan's lively and passionate *Jane Austen: Her Life*.

In spite of what Honan calls her subject's "comic violence," her gift for social satire, her ability to cut down her characters in a single sentence, Jane Austen was also the master of the happy ending—the implausible, heart-warming happy ending. Vladimir Nabokov called *Mansfield Park*, which he greatly admired, a "fairy tale," and in some sense all of her novels are fairy tales, with the same sort of shimmering magical twist as Cinderella or Sleeping Beauty. None of Jane Austen's heroines is disappointed in love. None of them ends up with a man of less than perfect character, with less than a large estate and income, or a gracious country parish.

But it is precisely this type of happy ending that eluded the author in her own life. She dreamed up Emma and Mr. Knightly's flirtatious banter, Elizabeth Bennet and Mr. Darcy's electricity, and Anne Elliot and Captain Wentworth's constancy, but she herself remained alone. And it is the contrast between her fantasies and her reality, her fiction and her life that is the central mystery of any biographical study of Jane Austen: Why did the author of our quintessential marriage plots herself never get married?

As a young girl, Jane Austen was interested enough in marriage to make imaginary entries for herself and a fictional husband in her father's parish register. With her auburn curls and bright brown eyes, she was by almost all accounts attractive. She never fit the stereotype of the shy, reclusive female writer who shuts herself off from human company, and instead loved dances, clothes, and flirtations. In fact, a gossip actually referred to one of the century's most brilliant novelists as "the prettiest, silliest, most-affected, husband-hunting butterfly."

It appears that she did have a few romances, or what passed for romances in that more restrained era—a shadowy man she met by the seaside who died, an Irish man who ran away because of her lack of money, another who bought her a present of silk stockings, a reverend, and a wealthy landowner with a stutter. But she never ended up attaching herself to anyone. She often responded to the rise and fall of romantic expectations with the lightness and humor that would later enter the tone of her novels. She wrote to her sister Cassandra about one of her suitors, "I rather expect to receive an offer. But I will refuse unless he promises to give away his white coat."

Chas Fagan

In this age of transgressive biographical speculation, the predictable rumors that Jane Austen was a lesbian made their way from the quiet pages of the *London Review of Books* to a glossy item in *Newsweek* several years ago. But that is far too convenient an explanation of Jane Austen's psyche. In one of her rare attempts at psychological insight, Myer writes that "despite her youthful popularity, all Jane's relationships with men came to nothing. Her obstinate heart forbade her to marry except for love." But the question remains: Why *didn't* she fall in love? The answer may be a combination of pennilessness and bad luck, but it may also be more emotionally complicated. It may be that Jane Austen, the author of the 19th century's greatest tributes to married happiness, herself had deeply ambivalent feelings about the institution.

In the imaginative universe of her novels, marriage is the ultimate goal toward which all of her independent, spirited heroines are pulled as if by a natural force like gravity. Although she mocks Mrs. Bennet's eagerness to marry off her daughters in *Pride and Prejudice*, the author herself seems equally eager to marry off the Bennet girls.

But it turns out, if you read her letters, that Jane Austen had quite a different attitude when it came to real life. She writes to her favorite niece Fanny Knight, "Oh, what a loss it will be when you are married! You are far too agreeable in your single state—too agreeable as a niece. I shall hate you when your delicious play of mind is all settled down into conjugal and maternal affections." This playful lament betrays larger concerns about what marriage actually entails; it may be that Jane Austen was worried about her own "delicious play of mind" and the terrible toll of

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marriage and childbirth on the independent spirit.

Though it seems like a feminist cliché conjured up by an English professor at Berkeley, Jane Austen really did seem to respond to the realities of 19th-century married life with something like horror. She watched the women around her have 11, 12, and 13 children and give up their entire lives to the process of childbearing. She also saw four of her sisters-in-law die during or shortly after childbirth. "Poor animal," she writes of her vibrant niece Anna on learning that she is pregnant, "she will be worn out before she is thirty." It is also telling that Jane Austen referred to her novels repeatedly as "my own darling child" or "my suckling," and it may be that in her own mind she exchanged maternity for creativity, children for novels.

Austen's ambivalence toward marriage reveals itself in her more obscure novellas and in the subplots of her major works. She attaches a kind of glamor to the women who manage to elude, even for a while, the traditional marriage plots that dominate most of her books. Her memorable flirts, like the manipulative Mary Crawford in *Mansfield Park* and the protagonist of her little-read novella *Lady Susan*, live outside of the conventional domestic order. "I cannot easily resolve on anything so serious as marriage," writes Lady Susan, "especially as I am not at present in want of money."

Both Lady Susan and Mary Crawford are portrayed as villainesses, but their freedom to float above the rest of the characters, their independence, their ability to control their own lives and manipulate reality are described with a certain relish and fascination. Lady Susan is "clever and agreeable, has all that knowledge of the world that makes conversation easy, and talks very well with a happy command of language, which is too often used, I believe, to make black appear white." Jane Austen's coquettes are powerful. They invent their own lives in ways that the Emmas and Elinors and Fannys never can, and in that sense they are more of a reflection of the author herself.

There are two Jane Austens—the Jane Austen who glorifies domestic order and the Jane Austen who struggles against it. Though we tend to look at her novels nostalgically, as pretty dreams of order and harmony in our own world of chaos and loneliness, they seemed in fact to serve the same psychological function for the author herself. Beneath the idealized romantic universe she sets down with her ivory quill pen are the same yearning and ambivalence as those of her present-day reader. It is the tension between fantasy and reality, between the desire for happy endings and the suspicion of happy endings, between conventionality and a deep uneasiness with conventionality, that marks Jane Austen as a truly modern writer and accounts for the continuing power and immediacy of her novels, and for the Jane Austen phenomenon itself. ♦

'Nice,' 'Real,' Revolting

Everything's Coming Up Rosie

By Matt Labash

It would be too little to say that Rosie O'Donnell, star of the *Rosie O'Donnell Show*, is a comedienne-turned-talk-show host. She is our Everywoman, gal-pal to the glitterati, the "human manifestation" of the "Celestine Prophecy" (actress Rita Wilson's words), "everybody's sister" (John Travolta's words). Her heart is "as big as the sun," and "we're all warmed by it" (Oprah Winfrey's words). She is Mary Sunshine in a pantsuit (my words).

Though she confounds our silly little labels, it is nonetheless time for reflection. Because after just a year on the air, Rosie has won the Daytime Emmy for best talk show. Additionally, she is *Newsweek*'s "Queen of Nice" cover girl. She is *Entertainment Weekly*'s "Entertainer of the Year," *Canadian TV Guide*'s "Mother of the Year," *Glamour* magazine's "Woman of the Year." And she should be terminated with extreme prejudice.

This remonstration is not leveled lightly but after complete submersion in the culture of Rosie, which is fast becoming America's culture. Not to boast, but I have watched all of Rosie's boffo cinematic performances, including but not limited to *The Flintstones*, *Car 54, Where Are You?* (which threatened a Nipsey Russell renaissance), and her sassy-best-friend-with-the-heart-of-gold movies—*A League of Their Own*, *Sleepless in Seattle*, *Now and Then*, and *Beautiful Girls*. I have monitored her Web sites, read the two biographies of her, and even begun to adopt her habits: singing showtunes, padding around the house without makeup in sweatpants, and eating Ring Dings. Worse, I have watched her show.

So it is with these credentials that I state—as faithfully and delicately as possible—that the *Rosie* show is the most nauseating spectacle ever inflicted on the American public. And naturally, the American public can't get enough of it. Not for nothing is Rosie one of *People*'s "25 Most Intriguing People," one of Barbara Walters's "10 Most Fascinating People," and *Ladies' Home Journal*'s

Staff writer Matt Labash last wrote for THE WEEKLY STANDARD *about the volunteerism summit in Philadelphia.*

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"Most Fascinating Woman" (period).

The central conceit of her persona is that she is "nice" and "real"—or as real as you can get while grossing $11 million a year, buddying around with Madonna and the Spielbergs, and being a single mom ("America's Favorite Working Mom" in one poll) who totes her adopted son to work, where a nanny and a sound-proof nursery await him.

Rosie, it is widely held, is the antidote to the endless parade of human debris trotted out on the old Geraldo-Ricki-Jenny-Sally Jessy model of talk show, where the not-so-nice host exploits the dysfunction of real people who are too stupid or profane not to act like . . . real people. (Her success has inspired makeovers of Ricki Lake and Gordon Elliott, and even had a reconstituted Geraldo admitting, "I was going to hell.")

Rosie's insight was to reprise the fuzzy, nearly archaic form of daytime talk-variety—a less edgy version of the night-talks, but still chock-full of celebrities. She set the bar low, aspiring to pattern her show after those of Merv Griffin and Mike Douglas, two witless log-rollers most of us were glad to be rid of by the '80s. To be sure, O'Donnell is a more adroit performer than these predecessors. She was an average stand-up, but she compensated with her gum-cracking, Long-Island-drive-thru-attendant spunkiness and clockwork delivery. "I can take mediocre material and sell the s— out of it," she said in her early days.

Though her act, like her TV show, was extremely derivative (as a teenage stand-up, she performed Jerry Seinfeld bits from the Merv Griffin show—verbatim), she was not always this nice. "When I want to hear from an a—hole, I'll fart," is how she used to dispatch hecklers. But with the civility gestapo now squelching the mirth out of entertainment, Rosie is all nice, all the time. She has even accused Jay Leno of being too mean and told her writers that she would not do a joke that she'd be embarrassed to perform in front of its subject.

Thus, she is nice to everyone—celebrities, retarded children, interviewers—everyone, that is, except for her staffers, or former staffers, who are legion (she's torn through seven directors in a year, for those who are counting). A source close to the show claims the departures were the result of "growing pains" and that the turnover has "stabilized" as Rosie even bought tickets for her entire staff to attend the Daytime Emmys. Former staffers, however, are less generous, accusing her of everything from being a "micromanaging control freak" to "screaming at staffers" over technical gaffes and "using the F-word in front of children." She is also alleged to have thrown things, cursed a *Sesame Street* representative who booked the puppet Elmo on another show, and made staffers sign gag orders so they wouldn't tell me what they're now telling me, like one former director who says, "If she finds an ounce of weakness in you, she attacks, like a piranha with blood."

This behavior, however, is not apparent on her show. There, she is Ma Pie in a pantsuit, as she makes a great on-air fuss over pie, along with cheesecake, Dove bars, and goat-cheese pizza. In her role as nurturer, she even supplies the audience with milk and Drake Cakes (her favorite), a nice matronly stroke.

Rosie can't do enough for the country that has clutched her to its bosom. It is she who promoted the aforementioned "Tickle Me Elmo," a $28 furry vibrator that every tyke had to have last Christmas. It is she who, in the tradition of Oprah's book club, has released *Kids Are Punny*, formerly number one, now number four on

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the *New York Times* bestseller list. The gimmick, it seems, is that kids send in bad jokes, which she reads on the air—which is more than you can say for the "mean" jokes provided by her ex-writers.

Actual joke from actual Punny Kid: "What do ghosts eat for lunch? Booghetti and meatballs." She's got a million of 'em.

But her show isn't solely about pimping children, à la Kathie Lee Gifford. Rosie refuses to contribute to the Codyfication of television culture (Cody being Kathie Lee and Frank's boy, whose every waking moment his mother shills). Rosie has set a higher standard for herself, refusing to bring her own son Parker on the air, though he is posed with her on the cover of the June *Good Housekeeping*. Still, she doesn't rely on his less dignified moments as comic fodder—none of that "he pulled on this, he did a poop," she says. Instead, she's set refreshing strictures on Parker-chatter by covering non-exploitative subjects such as his crawling through the dog-door with his diaper off, his circumcision, his wetting in Madonna's pool, and his "vomiting an entire jar of baby squash right in my mouth."

Children are okay, but the Celebrity Interview is where Rosie has really made her bones. This is not so much an interview as a channeling session—the Stanislavsky method of homage—wherein she is able to *become* the celebrity. She sings over Carol Channing on "Hello Dolly!" She finishes Cher's forgotten lyrics on "Gypsies, Tramps and Thieves." She remembers obscure commercial jingles that Barry Manilow composed three decades ago.

She is a savant, our Rosie, a pop-culture repository, recalling Bette Midler tunes during the divine one's bathhouse years, reciting lost snatches of dialogue from *Laverne & Shirley*, doing letter-perfect recitations of Primatine Mist commercials. As a child, she took notes during the *Mary Tyler Moore Show*, which she would then transfer to her MTM scrapbook.

Rosie O'Donnell

Kent Lemon

She is not only an unvarnished fan, but a borderline personality—a stalker, even. In her youth, she stalked Billy Joel from club to club on Long Island. As a young comic, she scheduled her bookings by whatever city Midler was in at the time. She stalked Lucie Arnaz at a Broadway theater, Cher at a shopping mall, and Lauren Bacall in the lobby of her apartment building.

And now many of the stalkees come to her. She has broadcast entire "Suck-up Shows" (her designation), lobbying the likes of Elton John and Barbra Streisand to appear on the air. Her obsequiousness is unmatched—more impressive than Mike's or Merv's tuchus-kissing or Larry King's Marlon Brando-kissing. She has even bumped from memory Arsenio Hall as the Alpha Suckubus (no small feat, since he once conducted an entire interview with actress Patti D'Arbanville while giving her a foot rub).

Though she is a celebrity herself, O'Donnell is the perfect conduit for celebrity sanctification, as there are none she does not enthuse over. Or ooze over, more like it. When she catalogues her influences—as she is wont to do—she reveals that she has more idols than the ancient Babylonians, so many that she can't keep them straight. Comb the vast Rosie literature and she's all over the place with her idolatry.

Here's Rosie saying, "Bette Midler and Barbra Streisand . . . were the two women I wanted to be." There's Rosie slightly modifying, saying "I wanted to be Barbra Streisand or Joe Namath [though she's more of a lineman type]." If there's one thing she knew, it was that she "never wanted to be Johnny Carson. It was always to be Carol Burnett." Though she has also said, "Johnny Carson was my hero growing up," and, "As a host . . . Johnny Carson is an inspiration." When she had Mike Douglas on her show, she informed us, "I set out to do a show exactly like his."

So intense are her affections, they have caused adverse health effects.

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When she met a bit player from the defunct soap opera *Ryan's Hope*, Rosie exclaimed, "My heart is beating so fast . . . I think I might be having a heart attack!" Before meeting Tom Cruise, she confessed to "mild heart palpitations and no appetite, which is odd for me." Upon meeting Mary Tyler Moore, she told Oprah she "had a little diarrhea." Before meeting Madonna, she had "diarrhea for two hours." And if she ever gets Barbra Streisand on the show, her last unrealized dream, well, it stands to reason that she'd have—yes.

More than anything, her fetishes and obsessions serve as comic grist, which is why she has persisted in her grating Tom Cruise charade, in which she feigns a crush on him. She has mentioned his name on the show 2,017 times (*Entertainment Weekly* counted), in addition to sporting her "my Tommy" apron, hoisting her "my Tommy" coffee mug, and playing "Tommy Can You Hear Me" by The Who on her karaoke digicard display. Even some of her fans have murmured over this obsession, as various tabloids have tried to "out" her as gay. Rosie remains mute on the subject. But even a fanzine-like biography about her included a straight-faced discussion of potential indicators: her runaway chin hair, her affinity for power tools, her pantsuit collection.

Rosie knows she's a fawner, but that's apparently what makes her *real*, what makes her *nice*, what makes her one of us. She is not opening the entertainment yearbook to goof on dated haircuts; she genuinely wants to preserve the cultural legacy of Donny Osmond, Susan Dey, and Florence Henderson. Occasionally, she has fleeting bouts of self-consciousness, such as when she told Neil Simon, "I'm in awe of you and I try not to be, because Lily Tomlin [another idol] told me if you have reverence for guests, it makes a boring interview."

But such moments are short-lived, as evidenced by her recent interview with Susan Lucci. On *Rosie*, conversation rarely veers to a distillation of craft, engaging showbiz anecdotes, or semi-antagonistic ripostes (things that make compelling television). Instead, Rosie told Lucci that she loved her *All My Children* commemorative posterboard gift—twice. Lucci told Rosie that she loved her hair—three times. Lucci congratulated Rosie on the year she was having and on her charitable work with children. Rosie congratulated herself on the same. Rosie congratulated Lucci on her Emmy nomination. Lucci congratulated Rosie right back on hers. Rosie thought it was great that Lucci was hosting the awards with Regis Philbin. Lucci thought it sublime that Rosie was a presenter with Elmo. They both discussed how dreamy one of Lucci's co-stars was. Rosie told Lucci she was a delight. Lucci told Rosie she was one, too. Then the show closed with all the other guests coming out and taking Polaroid snapshots of themselves. Another magical showbiz moment.

It is the perfect moment, as it comes near the end of an era of irony and incivility, formerly thought to be overmined or undesirable attributes. As the culture has fragmented and cannibalized itself, the only fresh possibility is to revert—to K-Tel Records, Nick-at-Night, the Franklin Mint, and now Rosie O'Donnell; to slink back to unbridled adulation, to Merv Griffin, to Mike Douglas—to the primordial ooze.

At the end of an extended aren't-our-children-adorable? exchange with Rosie, actor Michael J. Fox snapped to: "We're so sappy," he confessed. "Aren't we?" Rosie agreed, in a rare moment of lucidity, before slipping back: "Well, that's all right. America loves sap." ♦

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"All the News That's Fit to Print"
The New York Times

Executives at the *New York Times* are trying to start a gossip column, but are having difficulty integrating gossip into the Gray Lady's staid editorial culture.

—*a source at the* Times

Parody

Hot Talk

Salisbury Harrison, III

A dangerous contretemps was averted outside of the Century Association, a private club at 5 West 43rd Street, yesterday. Arthur M. Schlesinger, Jr., the historian and author of such books as "The Age of Jackson," was trying to hail a taxi, a yellow car that takes people on trips for money, when he stumbled upon Leslie Gelb, former Times columnist and now director of the Council on Foreign Relations (CFR). As it transpired, both men had hailed the same taxi.

"Age before beauty," Mr. Gelb, who is well known for his wit, quipped, allowing Mr. Schlesinger to take the cab, which is another word for taxi.

"Thanks much," Mr. Schlesinger retorted, using a colloquialism that roughly means "Thank you very much."

The general hilarity only increased 20 minutes later when both men found themselves riding in the same elevator to a party hosted by Steven Ratner, the newly promoted executive at Lazard Frères, the investment banking house.

"We could have shared the taxi," Mr. Schlesinger wryly observed to much giggling. Later, when Mr. Schlesinger recounted the tale at the party, Twentieth Century Fund director Richard Leone laughed so hard tears came to his eyes.

Dieter von Touchus, the Deputy Finance Minister of Saxony, the German *laender* reunited with Germany from the German Democratic Republic, was recently seated next to Mbony !Klackas, the Commerce Secretary of Sierra Leone, the coup-prone West African nation, at a G-7 conference on capital flows to tropical regions. He took the opportunity to ask about reports that the newly promoted managing editor at the Sierra Leone Dispatch, the coup-prone nation's newspaper of record, had recently left his wife and young child for a glamorous woman. Mr. !Klackas responded that even if such reports are true, such behavior does not reflect on the ethics of the journalist in question, or on his abilities to function in the newsroom or on the newspaper that would promote him. Furthermore, Mr. !Klackas said, newspapers should not stoop to publish such salacious and undignified stories in their gossip columns. Herr von Touchus agreed wholeheartedly.

Our colleague Brent Staples reports that the novelist Saul Bellow is visiting New York. Bellow, the 1976 Nobel laureate in literature, was seen walking down Fifth Avenue, a shopping street in central Manhattan. He then turned right and went into the Peninsula Hotel, where he used the men's room on the mezzanine level (the middle stall). Then, leaving the hotel, he continued on to Sixth Avenue, also knows as the Avenue of the Americas, and turned left. At that point Mr. Staples lost him in a crowd of Jewish people.

The Artist Formerly Known as Prince, a popular musician and singer, ran into his former partner Apollonia on the country furniture floor at the ABC home furnishing store. Mr. The Artist Formerly Known As Prince, apparently overcome with nostalgia, embraced Ms. Apollonia, planting a hickey, a small, bruise-like mark left by the suction caused by a certain sort of oral movement on the soft tissues of the skin, on the upper part of her chest. Jon Pareles remarked to Ruth Messinger, who happened to be shopping nearby...

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